

**Security Council**

Distr.: General
14 December 2010

Original: English

Austria: draft resolution

The Security Council,

Taking note of the letters to the President of the Council from the Secretary-General dated 13 October 2010 (S/2010/513) and 23 November 2010 (S/2010/598), attaching letters from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 20 and 23 September 2010, and 12 November 2010, respectively,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1717 (2006) of 13 October 2006, 1824 (2008) of 18 July 2008, 1855 (2008) of 19 December 2008, 1878 (2009) of 7 July 2009, 1901 (2009) of 16 December 2009, and 1932 (2010) of 29 June 2010,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council called on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2010/574) that the Tribunal will not be in a position to complete all its work in 2010,

Noting that four permanent judges will be redeployed to the Appeals Chamber and that one permanent judge will leave the International Tribunal upon the completion of the cases to which they are assigned,

Convinced of the advisability of extending the authorization granted to the Secretary-General in resolution 1901 (2009) to appoint additional ad litem judges to the nine ad litem judges authorized by the Statute of the International Tribunal, as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet the goals of the Completion Strategy,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Noting the concerns expressed by the President of the International Tribunal about the loss of experienced staff, and *reaffirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Acting under Chapter VII of the Charter of the United Nations.

1. *Decides* that, notwithstanding the expiry of their term of office on 31 December 2010, Judge Joseph Asoka de Silva and Judge Taghrid Hikmet are authorized to complete the *Ndindiliyimana et al.* case which they began before the expiry of their term of office; and *takes note* of the intention of the International Tribunal to complete the case in March 2011;

2. *Decides* that, notwithstanding the expiry of his term of office on 31 December 2010, Judge Joseph Masanche is authorized to complete the *Hategekimana* case which he began before the expiry of his term of office; and *takes note* of the intention of the International Tribunal to complete the case in January 2011;

3. *Decides* that in order for the International Tribunal to complete existing trials or conduct additional trials, the total number of ad litem Judges serving at the International Tribunal may from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a maximum of twelve at any one time, returning to a maximum of nine by 31 December 2011;

4. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the International Tribunal in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

5. *Decides* to remain seized of the matter.



Security Council

Distr.: General
14 December 2010

Original: English

Austria: draft resolution

The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 23 November 2010 (S/2010/599), attaching the letter from the President of the International Tribunal for the former Yugoslavia ("the International Tribunal") dated 9 November 2010,

Recalling its resolutions 827 (1993) of 25 May 1993, 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 1629 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006, 1800 (2008) of 20 February 2008, 1837 (2008) of 29 September 2008, 1849 (2008) of 12 December 2008, 1877 (2009) of 7 July 2009, 1900 (2009) of 16 December 2009, and 1931 (2010) of 29 June 2010,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council calls on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2010/588) that the Tribunal will not be in a position to complete all its work in 2010,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Noting the concerns expressed by the President of the International Tribunal about the loss of experienced staff, and *reaffirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that, notwithstanding the expiry of his term of office on 31 December 2010, Judge Kevin Parker is authorized to complete the *Dordević* case, which he began before the expiry of his term of office; and *takes note* of the intention of the International Tribunal to complete the case by the end of February 2011;

2. *Decides* that, notwithstanding the expiry of his term of office on 31 December 2010, Judge Uldis Kinis is authorized to complete the *Gotovina et al.*

case which he began before the expiry of his term of office; and *takes* note of the intention of the International Tribunal to complete the case by the end of March 2011;

3. *Decides* to allow Judge Kinis to serve at the International Tribunal beyond the cumulative period of service provided for under article 13 *ter*, paragraph 2, of the Statute of the International Tribunal;

4. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the International Tribunal in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

5. *Decides* to remain seized of the matter.

**General Assembly
Security Council**

Distr.: General
10 December 2010

Original: English

General Assembly
Sixty-fifth session
Agenda item 38
The situation in Afghanistan

Security Council
Sixty-fifth year

**The situation in Afghanistan and its implications for
international peace and security****Report of the Secretary-General****I. Introduction**

1. The present report is submitted pursuant to General Assembly resolution 64/11 and Security Council resolution 1917 (2010), in which the Council requested me to report on developments in Afghanistan every three months.
2. The report provides an update on the activities of the United Nations in Afghanistan, including those of the United Nations Assistance Mission in Afghanistan (UNAMA), and reviews the situation in the country since my previous report, of 14 September 2010 (A/65/552-S/2010/463), providing a summary of key political and security developments, including the national legislative elections, as well as regional and international events related to Afghanistan during the reporting period. The report also provides updates on a number of humanitarian, development and human rights activities carried out by the United Nations in Afghanistan. In addition, an update on the parliamentary elections was provided to the Security Council on 29 October 2010.

II. Political and security developments**Electoral developments**

3. The elections for the Lower House of the National Assembly, the Wolesi Jirga, were held as planned on 18 September. After a series of exclusions and disqualifications, 2,506 candidates, including 396 women, contested 249 seats. Of the 6,835 polling centres initially planned, 938 were deemed unsuitable prior to the election, owing mostly to security concerns. An additional 397 polling centres did not open, or closed prematurely on polling day itself, owing either to insecurity or to



difficulties in the delivery of polling materials. Thus, 5,500 polling centres opened on polling day.

4. Despite threats and violence by the Taliban and other illegal armed groups, approximately 4.3 million Afghans, out of an estimated 12 million eligible voters, turned out to vote. Although violence in certain parts of the country suppressed voter participation, the overall security situation on polling day showed no significant deterioration compared with that prevailing during last year's presidential election. There were more incidents, but the violence was less intense, and violence levels on polling day were consistent with patterns of increased violence observed over the course of the year. UNAMA recorded 32 civilian casualties on polling day.

5. After polling was completed, it became clear that there had been widespread fraud and irregularities across the country. The Independent Electoral Commission implemented fraud detection and correction measures, auditing and recounting votes from suspect polling stations and centres. Candidates suspected of having been involved in fraudulent practices, or on whose behalf fraud had taken place, were referred to the Electoral Complaints Commission. Prior to announcing the preliminary results, the Independent Electoral Commission investigated and audited recounted votes from 6,813 polling stations (representing 38.39 per cent of the 17,744 stations opened on polling day). Of these, 2,543 stations were excluded.

6. The number of complaints filed with the Electoral Complaints Commission increased significantly following the announcement of preliminary results. The Commission received 5,860 complaints between polling day and three days after the announcement of the preliminary results (the deadline for filing polling-related complaints). Of these, 2,724 (47 per cent) were complaints of a serious nature that could have affected the election results. Those complaints had been processed and adjudicated by 15 November. Following the polling day, the Commission disqualified 27 candidates: 24 for having been involved in fraud and 3 for having failed to resign from Government positions. This brought to 118 the total number of candidates excluded for various reasons. The Commission also invalidated votes from 334 polling stations in 22 provinces. In total, the Independent Electoral Commission and the Electoral Complaints Commission excluded some or all of the votes from 2,891 polling stations. Altogether, 4,271,908 votes cast were deemed valid, while 1,330,782 ballots were invalidated and thus were not reflected in the results.

7. The thorough audit and recount process carried out by the Independent Electoral Commission meant that the announcement of preliminary results was postponed from 9 to 20 October. Given the large number of complaints submitted to the Electoral Complaints Commission, the announcement of the final certified results, originally slated for 30 October, was made only on 24 November, when the results for 33 provinces and the Kuchi constituency were published. The certification of results for Ghazni Province, where, despite the fact that it has a significant Pashtun population, only ethnic Hazaras were elected, was delayed on technical grounds until 1 December.

8. The electoral results brought about a significant shift in ethnic representation in the Wolesi Jirga. The number of seats held by Pashtuns was reduced by more than 20. This was due largely to insecurity centred in the south and the east, which resulted in a decreased number of polling stations and low voter turnouts in

predominantly Pashtun districts. It was also a result of fragmentation and the lower level of political organization among Pashtuns in ethnically mixed constituencies.

9. The final results caused some discontent in various quarters. Unsuccessful candidates were vocal in their criticism, organizing demonstrations in Kabul, Baghlan, Badakhshan, Faryab, Samangan, Herat, Khost and other parts of the country. The Office of the Attorney-General publicly expressed concern at some of the decisions taken by the electoral institutions and has opened a number of investigations. Both Afghan electoral institutions continue to emphasize that, while criminal cases against individuals can be a part of a transparent process, their decisions on electoral matters are final under law.

10. Statements by UNAMA, the European Union, the United States of America, Canada, Turkey and the Russia Federation welcomed the certification of the final results and expressed support for the work of the independent electoral bodies, while acknowledging that the process still requires improvement and calling for accountability in cases in which fraud had been detected and proved. It is widely perceived that these elections, held under an Afghan lead by the Independent Electoral Commission, showed significant technical improvement compared with previous polls. Furthermore, there was public support for the disqualification of some powerful figures as a result of electoral violations by the Electoral Complaints Commission.

11. Discussions have now begun on future United Nations support with a view to further consolidating the capacity of the electoral authorities, mainly the Independent Electoral Commission, and pursuing long-term electoral reform. Donors have expressed their readiness to support such efforts. There is consensus that the reform process should be Afghan-led and supported politically by UNAMA and financially and technically by the international community, in particular the European Union.

Security situation

12. During the reporting period, the number of security incidents was 66 per cent higher than during the same period in 2009. Violent activities peaked on polling day and decreased thereafter. The violence on polling day, while high when measured in terms of the number of incidents, was characterized by widespread, low-level security incidents designed more to frighten potential voters than to kill. A common tactic was the launching of rockets and mortars against polling centres.

13. As during the previous reporting period, the focus of the Afghan National Security Forces and international military forces was on holding territory regained from anti-Government elements in Helmand Province over the summer and on continuing operations to gain control over Kandahar City. A high number of mid-level anti-Government elements continue to be killed or arrested as part of these operations, whose tempo and scope increased during the reporting period. Despite this pressure, anti-Government elements were able to sustain high levels of activity in areas into which they had recently expanded, particularly in the north and the north-east, where the international military presence is less dense.

14. Anti-Government elements continued to increase their use of improvised explosive devices and to directly target civilians through abductions and assassinations. Assassinations reached unprecedented numbers in August, targeting

largely civilians and police. Abductions of staff of non-governmental organizations also rose. A total of 134 non-governmental organization staff members were abducted by anti-Government elements between June and the end of October. In most cases, those captured were held for a short period before being released; however, one abducted national non-governmental organization worker was eventually killed by his captors.

15. Suicide attacks averaged three per week, targeting primarily international military forces, police and Government officials, particularly those considered to be actively opposed to the insurgency. Complex suicide attacks also continued, targeting primarily large, fortified international military bases. Civilian targets included a development agency in Kunduz, as well as the United Nations Multi-Agency Compound at Herat, the attack on which, carried out on 23 October, was the third suicide attack against the United Nations in the past three years. There were no staff casualties, and all attackers were killed before they could come near the office and residential buildings within the compound. Afghan security and law enforcement personnel reacted swiftly to the attack. They coordinated their efforts with the Mission's privately contracted international armed guards inside the compound to deter and eventually neutralize the attackers. In addition, the International Security Assistance Force (ISAF) promptly dispatched a helicopter to monitor the situation. The mitigating measures introduced following the 28 October 2009 attack on the Bakhtar guesthouse clearly helped to prevent casualties among United Nations staff. Nonetheless, the attack demonstrated the need to remain vigilant as well as to continue to adapt to a dynamic security environment in which some clearly consider the United Nations to be a target.

16. The fact that the Organization continues to be a target could be deduced from the upsurge in anti-United Nations rhetoric from insurgency media sources. These statements, appearing on Taliban websites and in Taliban publications, had ceased in the weeks before the elections but resumed after the elections. The prolongation of the ISAF mandate by the Security Council, and United Nations reporting on civilian casualties resulting from operations carried out by anti-Government elements, were provided as justifications for the attack against the United Nations in Herat.

17. On 6 December, the Ministry of the Interior announced that private security companies would be able to continue to operate in Afghanistan, although with some additional restrictions that principally prevent such companies from carrying out actions, such as roadblocks and searches, that are within the legitimate purview of national law enforcement agencies. That announcement effectively revised a 17 August presidential decree calling for the disbandment of all private security companies, both Afghan and international, by 17 December 2010.

18. The United Nations and other representatives of the international community in Afghanistan welcomed the spirit of the presidential decree but raised concerns about the timetable for its implementation. They feared that the disbandment of such companies before security could be assured by Afghan authorities would lead to a withdrawal of many development projects and activities, including international companies and banks, that are vital to Afghanistan's private and development sectors. A Joint Commission, chaired by the Ministry of the Interior and including representatives of the international community, led by the United States in close cooperation with the Senior Civilian Representative of the North Atlantic Treaty Organization (NATO) and ISAF, was established to find practical ways to meet the

President's objectives and address international concerns. The 6 December announcement will ensure the continuation of crucial international activities in support of the Government and Afghans in general. The President's fundamental concerns regarding the need for State institutions to eventually provide security for the country remain valid, however, and must continue to be addressed through the transition process.

Transition to Afghan responsibility for security

19. A major effort over the past year, since the inaugural speech of the President, Hâmid Karzai, in November 2009, has been the formulation of a framework under which full security responsibilities will be handed over to Afghan forces by 2014. At the 20 November 2010 meeting of ISAF Heads of State and Government on the margins of the NATO summit held in Lisbon, which I attended, the framework for the transition to Afghan leadership was endorsed. The process defines a clear path for the transition, based on the demonstration, on a province-by-province basis, that Afghan institutions can assume responsibility for security and governance, with a concomitant drawdown of international combat forces. The NATO Senior Civilian Representative should be commended for his outreach and inclusiveness towards the rest of the international community in formulating an integral strategic implementation plan or framework in cooperation with Government partners.

20. The United Nations will support the civilian aspects of this transition. UNAMA is reviewing the implications and opportunities of the process, including in the areas of governance and development. The Mission has prioritized the staffing and consolidation of its field offices to better support the transition. Finally, the United Nations country team is examining ways to support provincial authorities in building capacity to strengthen governance and enhance the delivery of essential services.

Peace and reintegration

21. A key outcome of the Consultative Peace Jirga, held from 2 to 4 June 2010 and described in my previous report, was the establishment by President Karzai of a High Peace Council at the request of the Jirga. The Council is mandated to promote peace and national unity through confidence-building, including the provision of political and strategic leadership to the Afghan peace and reintegration programme. The Council's 70 members include representatives of the major regional, ethnic, religious and political groups in Afghan society. There are 10 female members, as well as representatives of civil society organizations; 12 members are former officials of the Taliban regime.

22. President Karzai formally inaugurated the Council at its first meeting, held on 7 October. The President urged its members to generate ideas and proposals on how to initiate activities related to reconciliation. On 10 October, former President Burhanuddin Rabbani was approved as the Council's Chair. He will be supported by three Deputies: Abdul Hakim Mujahid, a former member of the Taliban regime; Mawlawi Attaullah Lodin, a prominent figure belonging to the Hezb-e Islami political party; and Asadullah Wafa, a public official and a current adviser to the President.

23. On 20 October, the High Peace Council called for all sides of the conflict to renounce violence and engage in talks. The Council also requested the United

Nations in particular to play a role in the process and to do more to gain and strengthen global support and commitments for the peace and stability process in Afghanistan. In a meeting between my Special Representative and members of the Council's Executive Committee on 31 October, it was agreed that UNAMA would establish an internal capacity to respond to specific requests from the Council for technical and practical assistance. It was agreed that the Salaam Support Group, established by my Special Representative with resources from UNAMA and donors willing to support reconciliation in general, would provide this capacity. Simultaneously, the High Peace Council asked the Organization of the Islamic Conference (OIC) to also provide support and facilitation. UNAMA is looking forward to engaging further with OIC in this process and welcomes the announcement that an OIC representative will soon be stationed in Kabul.

24. There have been increasing reports in the media of contacts between Government representatives and members of the armed opposition. The Taliban movement, however, has publicly denied involvement in contacts with the authorities and has rejected the idea of negotiations. Furthermore, on 29 September the Taliban released a statement claiming that the High Peace Council was an "impractical plan to deceive Afghans" and that it benefited foreigners. A written message dated 15 November and attributed to Mullah Omar again rejected the idea of talks and denounced reports of contacts as propaganda.

25. At the tactical level, several armed groups have approached the authorities and expressed their readiness to be disarmed and reintegrated. According to the joint secretariat of the Afghan peace and reintegration programme, up to 800 individuals in various provinces — in particular Badghis, Faryab, Herat and Kunduz — have presented themselves to the authorities as militants seeking to reconcile and reintegrate. Joint delegations, comprising representatives of ISAF, the Ministries of the Interior and Defence, and the National Directorate for Security, were dispatched to assess those requests, to record the individuals' biometric data and to register and collect weapons. Transitional assistance packages containing food and non-food items designed to provide the minimum level of support for a 90-day period were also provided. These signs of a willingness to give up fighting are encouraging, although it is too soon to conclude that they represent a significant trend. Moreover, there are questions as to whether all of the individuals who presented themselves were genuine militants or non-combatants responding to the incentives offered by the programme. Some of them are reportedly not affiliated with any of the main anti-government groups. The joint secretariat is working to verify the identity of the registered individuals to ensure that the programme works as designed.

Regional cooperation

26. During the reporting period, the regional policy of Afghanistan was centred on advancing political dialogue with neighbouring countries, with a focus on security and development cooperation. The Governments of Afghanistan and Pakistan in particular continued to engage each other at the highest level. On 15 and 16 September, President Karzai visited Pakistan, where he discussed the strengthening of bilateral cooperation with the President, Asif Ali Zardari, and the Prime Minister, Syed Yousaf Raza Gilani. A major positive development resulting from this improved relationship was the ratification by the Pakistani Cabinet of the Afghanistan-Pakistan Transit Trade Agreement on 6 October. The Agreement will regularize the approximately \$2 billion in trade between the two countries and allow

Afghan goods to be transported through Pakistan and to be sold in regional and global markets.

27. The Governments of Afghanistan and Tajikistan discussed the expansion of cooperation in the areas of trade, agriculture and border security during a visit to Kabul by the President of Tajikistan, Emomali Rahmon, on 25 and 26 October.

28. The Fourth Regional Economic Cooperation Conference on Afghanistan was held in Istanbul from 2 to 4 November. This major event, which saw the participation of 27 countries and 14 international or regional organizations, reinforced commitments undertaken by Afghanistan, its neighbours and the international community with regard to economic cooperation. The Conference process has grown in size and importance since it was launched in 2005. The Third Conference was held in Islamabad in May 2009, and those gathered in Istanbul noted the significant progress that had taken place since then. The Conference resulted in recommendations on priority investment areas, with focus placed on the development of regional roads and railways; the extractive mine industry; donor support for the implementation of the Transit Trade Agreement; and the harmonization and upgrading of customs and transport infrastructure. Furthermore, regional economic cooperation deliverables that would benefit both Afghanistan and its neighbours were identified for consideration by regional and international partners. The secretariat of the Conference is the Centre for Regional Cooperation, housed in the Afghan Ministry of Foreign Affairs, and the effective preparation of the Conference demonstrated the Ministry's increased capacity. A business forum and an academic platform were convened at Bosphorus University as side events to the Conference. In that context, I would like to recognize and welcome the constructive role played by Turkey in facilitating and advancing regional engagement in Afghanistan.

29. The fourth meeting of the Kabul Silk Road initiative was held on 27 November 2010 in Kabul. The initiative had been launched by my Special Representative earlier in the year to facilitate informal dialogue among the Government, UNAMA and Kabul-based Ambassadors of Afghanistan's neighbours on ways and means to promote regional cooperation for Afghanistan. The meeting coincided with the visit of the recently appointed Executive Director of the United Nations Office on Drugs and Crime, Yuri Fedotov. Mr. Fedotov briefed meeting participants on progress being made under cooperation initiatives sponsored by the Office and on the overall conceptual thinking of the Office on cross-border cooperation in the wider region.

30. The Afghan Minister of Economy, Abdul Hadi Arghandiwal, took part in a session of the Heads of Government Council of the Shanghai Cooperation Organization, held in Dushanbe on 25 November. Minister Arghandiwal said that Afghanistan would continue to take persistent actions against terrorism and extremism, and requested that Afghanistan be granted full membership in the organization.

III. Transition to greater Afghan leadership: progress in the follow-up to the Kabul Conference and the implementation of the Kabul process

31. Since the International Conference on Afghanistan, held in Kabul on 20 July, the Government has demonstrated its determination to implement the road map defined at the London and Kabul conferences, known as the Kabul process. The fifteenth meeting of the Joint Coordination and Monitoring Board, held on 15 November, provided the Government with an opportunity to present its first 100-day progress report on the implementation of the commitments undertaken at those conferences. According to the Government, more than 70 per cent of the October 2010 target benchmarks had been met. This performance demonstrated the Government's growing capacity to assume ownership of and responsibility for Afghanistan's transition and development.

32. A key element of the Joint Coordination and Monitoring Board meeting was the presentation by the Government of a monitoring and reporting framework to track progress made in relation to each of its 22 priority programmes. The framework provides the Government, for the first time, with a management tool to measure delivery against its existing commitments and to identify, at an early stage, obstacles to progress on any given programme. The framework will also enhance the transparency and accountability of the Government's activities for the Afghan people. The Government noted that, with the establishment of the new monitoring tool, its focus would shift from programme design and planning to implementation and delivery. This reporting system will, finally, facilitate a fact-based policy dialogue between the Government and the international community on the implementation of the Kabul process.

33. Since my previous report, the most obvious results of the Government's work have been related to the development of implementation plans for the short and mediums terms for all 22 national priority programmes aimed at ensuring the timely delivery of services to the Afghan people. The first programme finalized, costed and presented to donors was that designed to strengthen public finance management. The Government was also able to report that it had exceeded the London and Kabul conference targets on increasing the size of both the Afghan National Army and the Afghan National Police. Other progress, in the field of governance in particular, has included the adoption of anti-corruption action plans in selected line ministries, the drafting of anti-corruption and audit laws, and the Cabinet's approval of a line in the State budget for the Afghan Independent Human Rights Commission, which had previously been funded entirely by international donations.

34. The "cluster" mechanism for the rationalization of ministerial work continued to be a central vehicle for enhanced cross-ministerial coordination and collaboration, guiding overarching policy development in the areas of security, governance and social and economic development, which involve the work of several Ministries. While the human resources development and agriculture and rural development clusters remained unchanged, the infrastructure and economic development cluster has been divided into the infrastructure cluster and the private sector development cluster. Similarly, the governance cluster has been divided into one cluster on public administration, led by the Independent Directorate of Local Governance, and another on the rule of law, led by the Minister of Justice. The

security cluster, under the overall leadership of the Minister of Defence, has been divided into two subgroups, covering security, and peace and reintegration.

35. The governance cluster has completed its action plan, which includes key provisions relating to the development of a medium-term fiscal framework to prioritize expenditures and domestic revenues, as well as a strategy for the reinvigoration of the public administration reform, the revision of the Civil Service Law and the acceleration of the implementation of the pay and grade reform.

36. Access to justice has been improved with the opening of Ministry of Justice legal aid offices in several provinces and the expansion to new regions of services offered by non-governmental organization legal aid providers. The recent agreement on the part of donors to the Law and Order Trust Fund to support increases in the salaries of prison officers to bring them up to par with those of police officers in 2011 is expected to reduce the attrition of prison staff.

37. The Government has begun discussions with international partners on their current and planned financial commitments as part of the preparation of the next fiscal year's budget, reminding them of their commitment to progressively channelling 50 per cent of their development assistance through the Afghan budget and to aligning 80 per cent of it with Government priorities. The Government has provided detailed criteria and guidance for donor activities financed outside the Afghan budget, to ensure that they are consistent with the development priorities of Afghanistan.

IV. Aid coherence

38. UNAMA, in fulfilment of its mandate, has taken on a greater role in generating a coherent approach to donor assistance in support of the Afghan Government's anti-corruption agenda. In particular, it has assumed the duties of Co-Chair of the International Community Transparency and Accountability Working Group and Chair of the United Nations Donor Group in Support of the High Office of Oversight. The Working Group focuses on assisting the appropriate Government institutions in implementing anti-corruption strategies, accelerating the verification and publication of asset declarations, and enhancing the effectiveness of civil service appointments. The Donor Group was established to ensure an increasingly harmonized approach to donor assistance, specifically that provided to the High Office of Oversight, a central Government institution that plays an essential role in fighting corruption.

39. Supporting the coordination of development activities at the subnational level is an increasing priority for UNAMA. This effort has three key elements. The first is ensuring that activities at the subnational level are consistent with and linked to national priorities set by the Government. The second is advocating and promoting communication and coordination among development actors at the provincial level, including civil-military activities undertaken by provincial reconstruction teams. The third and most critical element is supporting local authorities in assuming leadership for the coordination of development activities within their subnational jurisdictions (provinces, municipalities and districts), including through the identification of provincial priorities and gaps through sector working groups, as well as through provincial development councils chaired by provincial governors. The alignment of provincial reconstruction teams, donors and other implementing

partners with these Government-led processes will be essential, in particular as Afghan institutions assume greater practical authority as part of the transition process. The strengthening and expansion of UNAMA field offices, and greater coordination among United Nations partners through the development of the Integrated Strategic Framework, which is currently under way, are key steps towards the Mission's effective delivery on its development coordination mandate.

V. Humanitarian assistance, reconstruction and development

40. The continuing deterioration of the security situation has inhibited the implementation of development projects and limited access for humanitarian activities. The effects of the ongoing conflict have, however, increased the demand for humanitarian assistance. Late in November, the Office for the Coordination of Humanitarian Affairs launched the 2011 Afghanistan Consolidated Appeals Process, which is based on the following priorities: (a) the provision of humanitarian assistance and protection to populations affected by conflict and natural disasters; (b) response to humanitarian needs resulting from situations of chronic vulnerability; and (c) the development of contingency planning and disaster preparedness for recognized hazards. The 2011 Appeal is currently 66 per cent funded, albeit with notable gaps in critical sectors, and further support for underfunded priority projects, in particular in the areas of education and water and sanitation, is urgently needed.

41. During the reporting period, 11,642 Afghan refugees returned with the assistance of the United Nations High Commissioner for Refugees (UNHCR), bringing to 112,542 the total number of assisted Afghan refugee returns since the beginning of 2010. During the same period, some 1,570 individuals returned from flood-affected regions of Pakistan (mainly Khyber-Pakhtunkhwa Province) and received additional assistance upon arriving in Afghanistan, bringing to 4,714 the total number of flood-affected Afghans assisted upon returning to their country since the floods began in Pakistan.

42. The Afghanistan return operation remains the single largest such operation for UNHCR. Difficult economic conditions and alleged harassment, as well as fear of arrest and deportation in countries of asylum, have been cited as key factors in the decision to return. More positively, improvements in security in some parts of Afghanistan, employment opportunities, UNHCR assistance packages and the Government's land allocation schemes have also been cited as reasons for returning by those interviewed.

43. A total of 7.8 million children under 5 years old from Afghanistan's 34 provinces were immunized during the National Immunization Days organized for the polio eradication campaign, which was conducted between 3 and 5 October 2010. In addition, 4.6 million children between the ages of 2 and 5 were administered de-worming tablets. The campaign took place in spite of the extremely challenging security situation, especially in Badghis Province. Through local elders, district public health authorities were able to obtain safe-passage guarantees from local Taliban forces so that they could carry out the campaign.

44. Through the Consolidated Appeals Process, the World Food Programme (WFP) has appealed to donors for urgently needed funding to meet a food shortfall amounting to 103,600 tons for the period up to June 2011, at a cost of \$157 million.

WFP aims to reach more than 6.8 million vulnerable Afghans with general food distribution and targeted interventions. To date, only 16 per cent of the funding requirements for the current three-year programme have been met. Current shortfalls affect all programmes, including school feeding, training and vocational initiatives and the food-for-work programme. If additional support cannot be obtained, WFP will have to cut planned food distribution activities throughout Afghanistan. The International Organization for Migration (IOM) has undertaken planning for the coming winter, procuring and pre-allocating 30,000 winterization packages in Kabul and in the organization's eight sub-offices, in Gardez, Jalalabad, Fayzabad, Kunduz, Mazar i Sharif, Bamyan, Herat and Kandahar. By the end of 2010, IOM expects to have distributed flood and winterization kits to approximately 80,000 families, or 480,000 individuals.

45. IOM is also active in developing the capacity of the Afghanistan National Disaster Management Authority in the north and is assembling an emergency contingency stock for 2011.

46. Under the mine action programme, emergency response teams are now available in all but one of the country's seven regions. Since it became operational in the most recent quarter, the programme has responded to 21 emergency requests for demining. Additionally, mine-clearance activities have opened up land for the new Afghan railway system now under construction in the north and the west.

47. The United Nations Educational Scientific and Cultural Organization (UNESCO), in collaboration with other relevant United Nations agencies, is finalizing its National Education Support Strategy for Afghanistan. The Strategy defines United Nations support for the National Education Strategic Plan, for the National Higher Education Strategic Plan, and for the achievement of the Millennium Development Goals and the goals of the Education for All initiative. In addition, UNESCO and the Ministry of Education have jointly launched the Needs and Rights Assessment on Inclusive Education in Afghanistan as part of a pilot project in 29 schools in Kabul to support the development of methodologies for teaching children with disabilities.

48. A two-day retreat of the United Nations country team's gender working group, held on 20 and 21 October, identified United Nations strategic priorities on gender equality, in line with the United Nations Development Assistance Framework and Government priorities. Over the next three years, key areas of focus will be: (a) promoting women's participation in the implementation of the Afghanistan peace and reintegration programme, including providing support to and developing the capacities of the nine women members of the High Peace Council, and promoting the inclusion of women in the peace process; (b) continuing to support the Ministry of Women's Affairs in implementing its Priority Programme; and (c) ensuring the incorporation of gender considerations into the Integrated Strategic Framework.

49. The economic empowerment of women is a critical aspect of reducing maternal mortality, which has been identified as an urgent priority by the United Nations country team. Since September, more than 195,000 Afghans — most of them women — have participated in WFP vocational skills training programmes. Furthermore, under the backyard poultry project of the Food and Agriculture Organization of the United Nations, 7,000 poultry packages were distributed to rural women in seven districts in 2010.

VI. Counter-narcotics

50. In September, the United Nations Office on Drugs and Crime released the results of its annual Afghan Opium Poppy Survey. The Survey found that opium poppy cultivation had remained at 2009 levels, in 2010, while opium production had declined by half. According to the summary findings, a significant share of poppy cultivation continued to occur in the insecure southern and western provinces of the country. Cultivation in Kandahar jumped 30 per cent to 25,835 hectares (63,838 acres), suggesting that opium cultivation increases along with insecurity. The cultivation in the province of Helmand alone accounted for 53 per cent of total opium cultivation in Afghanistan. All 20 poppy-free provinces remained poppy-free in 2010, while four additional provinces (Kunar, Laghman, Zabul and Herat) were nearly poppy-free. The gross, per-hectare income of opium farmers increased by 36 per cent to \$4,900 from \$3,600 last year. By comparison, the gross per-hectare income derived from wheat declined from \$1,200 in 2009 to \$770 in 2010.

51. The United Nations Office on Drugs and Crime hosted a Paris Pact expert round table on "Afghanistan and neighbouring countries" in Vienna in October 2010. Thirty-two countries and eight regional organizations participated. Key recommendations included: (a) increasing political, financial and technical support provided to Afghanistan and neighbouring countries for regional cooperation; (b) enhancing regional intelligence-sharing mechanisms through the establishment of a fully operational Central Asia regional information centre in Almaty and a joint planning cell in Tehran, and expanding border liaison offices; (c) improving the coverage of services for drug users; and (d) investing in drug-dependence treatment as a cost-effective alternative to criminal justice sanctions for the many children in the region exposed to drug use. Among other issues agreed upon, it was decided that the Paris Pact would continue to support the coordination of precursor control.

52. The fourth ministerial meeting of the Triangular Initiative was held in Islamabad under the auspices of the United Nations Office on Drugs and Crime, with an agenda of promoting cooperation among Afghanistan, the Islamic Republic of Iran and Pakistan in counter-narcotics and border management in drug control efforts. The Minister of Counter-Narcotics of Afghanistan, Zarar Ahmad Moqbel Osmani; the Secretary-General of the Drug Control Headquarters of the Islamic Republic of Iran, Mostafa Mohammad Najjar; and the Federal Minister for Narcotics Control of Pakistan, Arbab Muhammad Zahir, adopted measures to strengthen their cooperation in addressing drug trafficking and agreed to establish additional border offices to increase cooperation among law enforcement officials. The Ministers committed to expanding the work of the joint planning cell in Tehran, which is aimed at the sharing of information on illicit drug trafficking. Agreement was also reached on the organization of more joint patrolling operations in the border areas of the three countries. In addition, the Ministers agreed to enhance legal cooperation in drug-related matters.

53. Another counter-narcotics regional initiative was a meeting, in accordance with the Dubai Process March 2009 action plan, of representatives of the Governments of Afghanistan and Pakistan, held in Kabul on 13 and 14 November. Joint working groups on customs and law enforcement met to advance the commitments identified at the Dubai meeting and developed at subsequent meetings. The meeting was chaired by a representative of the Government of Canada, with attendance by international experts from the United Nations Office on

Drugs and Crime, the World Bank, the Asia Foundation, the Border Management Task Force, the United States Agency for International Development, the Government of the United Kingdom of Great Britain and Northern Ireland, ISAF, NATO, IOM and UNAMA.

54. One element of the Rainbow Strategy, aimed at the interdiction of chemical precursors for the production of heroin and launched under Operation TARCET II (Targeted Anti-trafficking Regional Communication, Expertise and Training initiative), ended recently. The most recent interdiction under TARCET II resulted in the seizure of the following amounts of acetic anhydride: 1,630 kg, in Afghanistan; 383 kg, in the Islamic Republic of Iran; and 21,000 kg, in Pakistan. Operation TARCET III began in September 2010.

VII. Human rights

55. Civilians continued to bear the brunt of intensified armed conflict as civilian casualties, including deaths and injuries, increased by 20 per cent in the first 10 months of 2010 compared with the same period in 2009. UNAMA documented a preliminary figure of 6,215 conflict-related civilian casualties during this period, including 2,412 deaths and 3,803 injuries. More than three quarters of all civilian casualties were linked to anti-Government elements reflecting an increase of 25 per cent over the same period in 2009. At the same time, the number of civilian casualties attributed to pro-Government forces decreased by 18 per cent compared with the first 10 months of 2009.

56. Anti-Government elements were responsible for the deaths and injuries of 4,738 civilians (or 76 per cent of the total number of civilian casualties) during the reporting period. Suicide and improvised explosive device attacks caused the most civilian casualties attributed to anti-Government elements, resulting in 998 deaths (55 per cent of the civilian deaths attributed to anti-Government elements) and 2,062 injuries (70 per cent of the civilian injuries attributed to anti-Government elements). During the same period, UNAMA recorded 742 civilian casualties (or 12 per cent of the total number of civilian deaths and injuries) attributed to pro-Government forces. Aerial attacks caused the largest number of civilian casualties attributed to pro-Government forces, including 162 deaths (42 per cent of the civilian deaths attributed to pro-Government forces) and 120 injuries (34 per cent of the civilian injuries attributed to pro-Government forces).

57. Anti-Government elements continued their intimidation campaign against supporters or persons perceived to be supporters of the Afghan Government and the international community. UNAMA recorded 403 assassinations and executions and 219 abductions of civilians during the reporting period. Compared with the same period in 2009, the number of civilians assassinated or executed by anti-Government elements in 2010 surged by more than 107 per cent. More than half of all civilian assassinations were carried out in southern Afghanistan.

58. In its report entitled "Harmful traditional practices and implementation of the Law on Elimination of Violence against Women in Afghanistan", released on 9 December, UNAMA found that widespread child marriage, forced marriage (including the giving away of girls to resolve conflicts), restrictions on their movement outside the home and "honour" crimes were violating the rights of Afghan women and girls. The report's findings highlighted the fact that the full

implementation of the Law by the Government across the country offered the best prospects for protecting women from these violent and discriminatory practices.

59. Civil society networks increased their advocacy efforts to ensure inclusiveness and openness in the peace, reintegration and reconciliation process. Civil society organizations reiterated their appeals to the Government to review the membership of the High Peace Council and to remove members accused of human rights violations and war crimes. Women's groups, in a statement issued on 4 October, called for increased representation of women on the Council (only 10 per cent of its members are women).

60. On 10 November, the Civil Society and Human Rights Network, the International Centre for Transitional Justice and the Open Society Foundations office in Afghanistan, in collaboration with UNAMA, held a conference on "Justice and reconciliation". Representatives of civil society and Government officials from the Afghan peace and reintegration programme and the High Peace Council discussed specific measures to strengthen consultation between the Government and civil society on matters related to peace, justice and reconciliation. Civil society groups issued a statement containing nine recommendations to the Government and the international community, which included the formation of a consultative working group to facilitate the inclusion of civil society in the peace process, the creation of a justice process to complement reconciliation initiatives, and the establishment of a truth-seeking mechanism. They also reiterated calls to make the peace and reintegration process more transparent and to review the composition of the High Peace Council to ensure increased representation of civil society, women and minorities.

61. As part of its country-wide detention-monitoring strategy, UNAMA has been examining the treatment of detainees in a number of the detention facilities of the National Directorate for Security and the Ministry of Justice. The programme is monitoring the extent to which Afghan authorities provide detainees with humane treatment and respect fair-trial guarantees during the pretrial incarceration phase. During its visits to detention facilities, UNAMA received reports of cases of the severe abuse and ill-treatment of detainees by Afghan authorities, in which basic procedural protections had not been respected, in violation of Afghan and international laws.

VIII. Mission support/operational issues

62. The agreement between the United Nations and the Government of Kuwait to formally establish a UNAMA Support Office in Kuwait was signed on 28 November 2010. The Support Office will enable the Mission to ensure the continuous backup of its critical data and to maintain vital technical and administrative functions in a secure environment. It will also serve as a relocation centre in the event of an *in extremis* situation in Afghanistan.

63. On 4 October 2010, UNAMA signed an agreement with the Government of the Netherlands to transfer the Alpha compound to the United Nations by 1 November. The move into both office and residential accommodations in the compound had been completed by the end of November 2010. The new compound, located in the centre of Kabul, provides workspace and residential accommodations for up to 70 international staff members and workspace for an additional 80 national staff.

64. The 23 October attack on the compound in Herat, which is managed jointly by the United Nations Office for Project Services and UNAMA, underscores the importance of security enhancements under way in all of the Mission's regional and provincial offices. In Kandahar, the Government has identified land to be given to UNAMA free of charge, and plans to build a new compound in that location are well under way. The 2011 budget provides for the construction of new, security-enhanced compounds in Bamyan, Kunduz and Mazar i Sharif, along with the continuing programme of additional upgrades in other locations, as recommended by the Department of Safety and Security.

65. The moving of many substantive staff from the United Nations Operations Centre in Afghanistan, located outside Kabul, to the Alpha compound in the centre of the city, as well as the moving of 39 technical and administrative staff to the UNAMA Support Office in Kuwait, has provided additional secure accommodation units in Kabul. The continuing programme of security enhancements in the regional and provincial offices has also begun to make available additional secure accommodation units in the field offices. However, security risks outside the compounds remain high, and much work must still be done on the compounds themselves to improve their security. In some locations, such as Kandahar, this will require the development of new compounds.

66. The recruitment of new staff for the Mission has improved. A turnover rate of 30 per cent, however, means that constant recruitment activity must be maintained. The overall vacancy rate for international staff as at 30 November 2010 was 36 per cent, reflecting a gradual improvement over the year owing to intensive recruitment efforts by the Mission.

IX. Observations

67. The Kabul process is the road map agreed to by the Government of Afghanistan and its international partners to create conditions in which Afghans can become fully in charge of their Government, their security and their economic development. The transition to full Afghan leadership and ownership, and the development of the capacity to deliver practical results to the Afghan population, require a strong partnership between the Government and the international community. To support the implementation of the Kabul process, it is critical that the international community be fully committed to aligning its assistance with the Government's policies and priorities. It is equally critical that this partnership be based on dialogue. The strengthened Joint Coordination and Monitoring Board mechanism will provide a key platform for policy dialogue, including with civil society and the private sector, to ensure follow-up, regular engagement and, above all, action on our mutual commitments. The Afghanistan meeting held during the NATO summit in Lisbon reaffirmed strong international support for the transition, which should ultimately balance Afghans' need for peace with justice and the international community's strong interest in securing regional stability and eliminating the threats of extremism.

68. The partnership between the international community and the Government must be flexible and adapt to needs and conditions on the ground. As the process of the transition to full Afghan leadership and ownership advances, both the Government and the international community should be guided by realities rather

than schedules. Only if it is based on tangible improvements in governance, security and development will the process be convincing to the Afghan people, who are its primary stakeholders.

69. While governance, security and economic growth are strengthened under the leadership of the Government of Afghanistan, efforts must continue to end the conflict and create the foundations for a sustainable peace through political dialogue. This process will continue to pose significant challenges, which can be overcome only with the sustained support of all stakeholders, including the Government and neighbouring and troop-contributing countries, and the leadership of armed opposition groups. Most important, it will require the backing of a unified population. The United Nations stands ready to support this Afghan-led process — logistically, materially and technically — if the major stakeholders agree. UNAMA is setting up a mechanism, the Salaam Support Group, with a latent capacity to provide such support at the appropriate time.

70. Although these challenges should not be underestimated, there is an increasing sense that conditions for reconciliation are becoming more favourable and that there may soon be a real opportunity for a political dialogue leading to a settlement. All sides will need to make efforts and compromises to reach such a political settlement. However, any political settlement must respect the Afghan Constitution and must not undermine the real achievements made in recent years, especially in the areas of human rights and democratization.

71. Further efforts will also be required in terms of regional cooperation. Continued dialogue between Afghanistan and Pakistan is needed to deepen political, economic and security relationships that benefit both countries. Trade policy liberalization, including the modernization of customs procedures, and transport infrastructure development are needed to capitalize on the momentum already achieved in the areas of trade and transit. In the energy sector, reaching power purchasing and trade agreements with neighbouring countries — and building on the growing strength of Afghanistan's private sector — would also give impetus to Afghanistan's industrial development. Opportunities for renewable power-generation, including hydropower and thermal power, should be further explored if Afghanistan is to fulfil its economic potential. Investment in the building of Afghan capacity for regional cooperation will expedite the process of the country's integration into regional economic and trade arrangements. In this regard, the growing capacity of the Centre for Regional Cooperation within the Ministry of Foreign Affairs is a positive development and a demonstration of the Government's increasing capacity to shape its own development agenda.

72. There is also scope for enhanced cooperation in the area of counter-narcotics. This could include increased information-sharing on intelligence and the coordination of efforts to interdict drugs and precursor materials. Border control and management pose additional challenges requiring improved law enforcement capabilities. The United Nations system has been active in this regard, delivering its assistance in a coordinated manner. The United Nations will continue to address the enduring problem of illegal narcotics, as underlined by the recent visit to Kabul by the new Executive Director of the United Nations Office on Drugs and Crime, Mr. Fedotov.

73. The electoral process was far from flawless, but the Afghan electoral institutions are to be commended for their independence and integrity, and for

having accomplished the logistical feat of organizing such a complicated operation in a difficult political, security and geographic environment. Given the shift in ethnic representation that disfavors the Pashtun community, the election results have understandably raised political concerns among some parties within Afghanistan. That shift, however, is more the result of insecurity in certain areas of the country than of flaws in the electoral process itself. Addressing these concerns is therefore a political task and must not undermine the independence of the electoral institutions. In particular, Afghan law enforcement bodies, while exercising their legitimate functions, need to ensure that institutional boundaries are respected and that political processes are not inappropriately criminalized.

74. Continued support for the Independent Election Commission and a comprehensive lessons learned exercise are at the forefront of the activities of the United Nations Development Programme Enhancing Legal and Electoral Capacity for Tomorrow (UNDP-ELECT) project prior to its winding down in March 2011. The international community, together with donors and Afghan partners, needs to continue the pursuit of a long-term electoral reform and future United Nations support to sustain and further build the capacity of the electoral institutions. Initial talks on both of these issues have already begun, and donors have expressed their readiness to contribute to these efforts. Negotiations to initiate the electoral reform process should start as soon as possible, before the interest of stakeholders withers. The process should be Afghan-led and Afghan-owned, with political support from UNAMA and technical and financial support from other international organizations, and possibly a significant role for the European Union.

75. The security of United Nations staff remains a major concern for the Organization, and the October attack against the United Nations compound in Herat served as a reminder of the dangers that our staff face. I express particular gratitude to two Member States whose generosity has allowed the United Nations to mitigate security threats. The Government of Kuwait, by providing the Kuwait Support Office, has allowed UNAMA to redeploy to Kuwait some staff carrying out support functions whose presence is not necessary in Afghanistan. That has made available more safe residences for staff whose presence in Afghanistan is essential. The Government of the Netherlands has made available to the United Nations at a generous rate the compound that it had built in the centre of Kabul, adding additional safe residences and reducing the risk to staff whose work is carried out mostly in the city.

76. Finally, I thank my Special Representative, Staffan de Mistura, the staff of UNAMA and all United Nations personnel in Afghanistan, national and international, who continue to represent the highest aspirations of the Organization by working with diligence and dedication, at personal risk and discomfort, for a more peaceful, stable and prosperous Afghanistan.

**Security Council**

Distr.: General
14 December 2010

Original: English

**China, France, Russian Federation, United Kingdom of
Great Britain and Northern Ireland and United States of
America: draft resolution**

The Security Council,

Welcoming the reports of the Secretary-General of 29 November 2010 (S/2010/605) on the United Nations operation in Cyprus and of 24 November 2010 (S/2010/603) on his mission of good offices in Cyprus,

Noting that the Government of Cyprus is agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus (UNFICYP) beyond 15 December 2010,

Echoing the Secretary-General's firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, and *reaffirming* the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Welcoming the progress made so far in the fully fledged negotiations, and the leaders' joint statements including those of 23 May and 1 July 2008,

Expressing concern at the slow pace of progress in recent months, *stressing* that the status quo is unsustainable and that there now exists a unique opportunity to make decisive progress in a timely fashion, and *strongly urging* the leaders to increase the momentum in the negotiations to ensure the full exploitation of this opportunity to reach an enduring, comprehensive and just settlement based on a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions,

Emphasizing the importance attached by the international community of all parties engaging fully, flexibly and constructively in the negotiations, echoing the Secretary-General's view that a solution is well within reach, and *looking forward* to decisive progress in the near future building on the progress made to date,

Welcoming the efforts of the Secretary-General to stimulate progress during his meeting with the two leaders on 18 November 2010, his intention to meet with the two leaders in January 2011, and *noting* his intention to submit to the Security Council in February 2011 an updated assessment on the state of the process,

Welcoming also the implementation of some of the confidence-building measures announced by the leaders, and *calling for* a renewed effort to implement

the remaining measures and for agreement on and implementation of further steps to build trust between the communities.

Reaffirming the importance of continued crossings of the Green Line by Cypriots, *welcoming* the opening of the Limnitis/Yesilirmak crossing point in October 2010, and *encouraging* the opening by mutual agreement of other crossing points.

Convinced of the many important benefits for all Cypriots that would flow from a comprehensive and durable Cyprus settlement, *urging* the two sides and their leaders to foster positive public rhetoric, and *encouraging* them clearly to explain the benefits of the settlement, as well as the need for increased flexibility and compromise in order to secure it, to both communities well in advance of any eventual referendum.

Considering that undermining the United Nations credibility undermines the peace process itself.

Highlighting the supportive role the international community will continue to play in helping the Greek Cypriot and Turkish Cypriot leaders to exploit fully the current opportunity.

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains stable, and *urging* all sides to avoid any action which could lead to an increase in tension, undermine the progress achieved so far, or damage the goodwill on the island.

Recalling the Secretary-General's firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations.

Welcoming the progress made in proceeding with demining activities, *looking forward* to the clearance of the remaining minefields, and *urging* agreement on extension of demining operations to other remaining areas.

Welcoming also the progress and continuation of the important activities of the Committee on Missing Persons, and *trusting* that this process will promote reconciliation between the communities.

Agreeing that active participation of civil society groups is essential to the political process and can contribute to making any future settlement sustainable, *welcoming* all efforts to promote bicomunal contacts and events including, inter alia, on the part of all United Nations bodies on the island, and *urging* the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts.

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments.

Welcoming the intention of the Secretary-General to keep all peacekeeping operations, including those of UNFICYP, under close review and *noting* the importance of contingency planning in relation to the settlement, including recommendations as appropriate for further adjustments to UNFICYP's mandate, force levels and concept of operations, taking into account developments on the ground and the views of the parties.

Welcoming also the continued efforts of Alexander Downer as the Secretary-General's Special Advisor with a mandate to assist the parties in the conduct of fully-fledged negotiations aimed at reaching a comprehensive settlement, and the efforts of Lisa Hutton as the Secretary-General's Special Representative,

Echoing the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of UNFICYP, and his request for further voluntary contributions from other countries and organizations, and *expressing* appreciation to member states that contribute personnel to UNFICYP,

Welcoming and *encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Welcomes* the progress made so far in the fully fledged negotiations, and the prospect of further progress in the near future towards a comprehensive and durable settlement that this has created;

2. *Takes note* of the recommendations of the report of the Secretary-General (S/2010/603) and *calls upon* the two leaders to:

(a) intensify the momentum of negotiations, and engage in the process in a constructive and open manner, including by developing a practical plan for overcoming the major remaining points of disagreement in preparation for their meeting with the Secretary-General in January 2011;

(b) improve the public atmosphere in which the negotiations are proceeding, including by focussing public messages on convergences and the way ahead, and delivering more constructive and harmonised messages; and

(c) increase the participation of civil society in the process as appropriate;

3. *Urges* the implementation of confidence-building measures, and *looks forward* to agreement on and implementation of further such steps, including the opening of other crossing points;

4. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

5. *Expresses* its full support for UNFICYP and *decides* to extend its mandate for a further period ending 15 June 2011;

6. *Calls* on both sides to continue to engage, as a matter of urgency and while respecting UNFICYP's mandate, in consultations with UNFICYP on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

7. *Calls* on the Turkish Cypriot side and Turkish forces to restore in Strovolta the military status quo which existed there prior to 30 June 2000;

8. *Requests* the Secretary-General to submit a report on implementation of this resolution, including on contingency planning in relation to the settlement, by 1 June 2011 and to keep the Security Council updated on events as necessary;

9. *Welcomes* the efforts being undertaken by UNFICYP to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to

ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

10. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General
15 December 2010

Original: English

Austria, Bosnia and Herzegovina, China, France, Gabon, Japan, Lebanon, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Noting the letter from the Prime Minister of Iraq to the President of the Security Council, dated 9 December 2010, which is annexed to this resolution,

Recognizing the positive developments in Iraq and that the situation now existing in Iraq is significantly different from that which existed at the time of the adoption of resolution 661 (1990), recognizing that Iraqi institutions are strengthening, and further recognizing the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661 (1990),

Welcomes the letter from the Prime Minister of Iraq which reaffirms the commitment by the Government of Iraq not to request any further extensions of the Development Fund for Iraq arrangements; and recognizing that the letter from the Prime Minister of Iraq also reaffirms the commitment by the Government to ensure that oil revenue would continue to be used fairly and in the interests of the Iraqi people, and that transition arrangements would be in keeping with the constitution and with international best practices in respect of transparency, accountability and integrity,

Recognizing the significant role of the Development Fund for Iraq and the International Advisory and Monitoring Board, and the provisions of paragraphs 20 and 22 of resolution 1483 (2003) in helping the Government of Iraq to ensure that Iraq's resources are being used transparently and accountably for the benefit of the Iraqi people, and stressing also the need for Iraq to finalize transition to successor arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board,

Acting under chapter VII of the Charter of the United Nations,

1. *Decides* to terminate, on 30 June 2011, the arrangements established in paragraph 20 of resolution 1483 (2003) for depositing into the Development Fund for Iraq proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board and further decides that,



subject to the exception provided for in paragraph 27 of resolution 1546 (2004), the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect to funds and financial assets and economic resources described in paragraph 23 of that resolution;

2. *Welcomes and affirms* the Government of Iraq's decision not to request any further extensions of the Development Fund for Iraq arrangements; and further decides this is the final extension of the Development Fund for Iraq arrangements;

3. *Decides* that after 30 June 2011, the requirement established in paragraph 20 of UNSCR 1483 (2003) that all proceeds from export sales of petroleum, petroleum products and natural gas from Iraq be deposited into the Development Fund for Iraq shall no longer apply, and affirms that the requirement established in paragraph 21 of UNSCR 1483 (2003) that 5 percent of the proceeds from all export sales of petroleum, petroleum products and natural gas shall be deposited into the compensation fund established in accordance with resolution 687 (1991), and subsequent resolutions, shall continue to apply, and further decides that 5 percent of the value of any non-monetary payments of petroleum, petroleum products and natural gas made to service providers shall be deposited into the compensation fund, and that unless the Government of Iraq and the governing council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the compensation fund, decide otherwise, the above requirements shall be binding on the Government of Iraq;

4. *Calls upon* the Government of Iraq to work closely with the Secretary-General to finalize the full and effective transition to a post-Development Fund mechanism by or before 30 June 2011, which takes into account IMF stand-by arrangement requirements, includes external auditing arrangements and ensures that Iraq will continue to meet its obligations as established in the provisions of paragraph 21 of resolution 1483 (2003); further requests that the Government of Iraq provide a written report to the council no later than 1 May 2011 on progress towards the transition to a post-Development Fund mechanism;

5. *Directs* the transfer of the full proceeds from the Development Fund for Iraq to the Government of Iraq's successor arrangements account or accounts and the termination of the Development Fund for Iraq no later than 30 June 2011 and requests written confirmation to the Council once the transfer and termination are completed;

6. *Requests* the Secretary-General to provide written reports on an ongoing basis to the council every six months, with the first report due no later than 1 January 2012, about the United Nations compensation fund, evaluating the continued compliance with the provisions of paragraph 21 of resolution 1483 (2003);

7. *Decides* to remain actively seized of the matter.

Annex**Letter dated 8 December 2010 from the Prime Minister of Iraq
addressed to the President of the Security Council**

I should like to refer to my letter dated 13 December 2009 addressed to the President of the Security Council, in which I explained that in 2010 the Government of Iraq would put in place appropriate arrangements, in keeping with the Constitution, for the Development Fund for Iraq and the International Advisory and Monitoring Board, with a view to ensuring the continued equitable use of oil revenue in the interests of the Iraqi people, in accordance with international best practices with regard to transparency, accountability and integrity.

Pursuant to Security Council resolution 1905 (2009), the Government of Iraq submitted in its first quarterly report the requisite action plan and timeline for the transition to the successor arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board. It subsequently submitted its second and third reports on the progress that had been made. In the third report, details were given of the parts of the action plan that had been completed and those that remained incomplete. Reference was also made to the situation in Iraq and the fact that the delay in the formation of a new Government after the legislative elections that took place on 7 March 2010 had, in one way or another, affected the ability of Government institutions to take rapid and effective action with regard to the comprehensive implementation of the action plan.

On the basis of the foregoing, and in order to make it possible to ensure the comprehensive implementation of the action plan and a smooth transition to the successor arrangements, the Government of Iraq is once more in need of the assistance of the international community. It therefore hopes that the Security Council will extend for a further and final six months immunity for the Development Fund for Iraq, on the basis of the arrangements set forth in Security Council resolution 1483 (2003), paragraph 20.

I should be grateful if you would circulate this letter to the members of the Council with the greatest possible expedition and include it as an annex to the resolution currently being drafted on Iraq.

(Signed) Nuri Kamel al-Maliki
Prime Minister of the Republic of Iraq
Baghdad, December 2010

**Security Council**

Distr.: General
15 December 2010

Original: English

Austria, Bosnia and Herzegovina, China, France Gabon, Japan, Lebanon, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions on the situation in Iraq,

Recalling the statement of its President of 26 February 2010 which welcomed Iraq's progress on compliance with non-proliferation and disarmament commitments,

Recognizing the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661,

Welcoming the letter sent by the Minister of Foreign Affairs of Iraq on 18 January 2010 which confirms that the Government of Iraq supports the international non-proliferation regime and complies with disarmament treaties and other relevant international instruments and is committed to taking additional steps in this regard to comply with non-proliferation and disarmament standards, and has also committed to inform the Security Council, IAEA and other relevant agencies on progress made towards implementing those measures in accordance with the Government of Iraq's constitutional and legislative procedures and in compliance with international norms and obligations,

Welcoming the 11 March 2010 letter sent by the Director General of the International Atomic Energy Agency (IAEA) which notes that the Agency has been receiving excellent cooperation from Iraq in the implementation of its comprehensive safeguards agreement, and proceeding on the basis of the Government of Iraq's decision to provisionally apply, as of 17 February 2010, the Additional Protocol to its safeguards agreement pending the Protocol's entry into force,

Welcoming Iraq's accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, becoming the 186th State party on 12 February 2009,

Welcoming that Iraq has subscribed to the Hague Code of Conduct against Ballistic Missile Proliferation, becoming the 131st state to do so on 11 August 2010,

Welcoming that Iraq signed in 2008 the Additional Protocol to the Comprehensive Safeguards Agreement with the IAEA and that the Additional Protocol is currently before Parliament for approval, as is the Comprehensive



Nuclear-Test-Ban Treaty, and welcoming that Iraq has agreed to apply the Additional Protocol provisionally, pending ratification.

Reaffirming the importance of the ratification by Iraq as soon as possible of the Additional Protocol,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to terminate the weapons of mass destruction, missile, and civil nuclear-related measures imposed by paragraphs 8, 9, 10, 12 and 13 of resolution 687 (1991) and paragraph 3 (f) of resolution 707 (1991), and as reaffirmed in subsequent relevant resolutions;

2. *Urges* Iraq to ratify the Additional Protocol to the Comprehensive Safeguards Agreement and the Comprehensive Nuclear-Test-Ban Treaty as soon as possible;

3. *Decides* also to review in one year's time progress made by Iraq on its commitment to ratify the Additional Protocol to the Comprehensive Safeguards Agreement and meet its obligations under the Chemical Weapons Convention, and requests the Secretary-General to report to the Council in this regard;

4. *Decides* to remain actively seized of the matter.

**General Assembly
Security Council**Distr.: General
13 December 2010

Original: English

**General Assembly
Sixty-fifth session**

Agenda item 107

Measures to eliminate international terrorism**Security Council
Sixty-fifth year****Identical letters dated 10 December 2010 from the Permanent
Representative of the Islamic Republic of Iran to the
United Nations addressed to the Secretary-General, the President
of the General Assembly and the President of the Security Council**

On 29 November 2010, two prominent Iranian physicists, Majid Shahriari and Fereydoun Abbasi Davani, were targeted in two separate terrorist attacks in Tehran. As a result, Majid Shahriari was martyred and Fereydoun Abbasi Davani and his wife were seriously injured. As you are aware, this was not the first time that scientists engaged in the peaceful nuclear programme of Iran came under malicious terrorist attack. Professor Massoud Ali Mohammadi, another Iranian scientist, was assassinated in front of his house on 12 January 2010.

Based on the available evidence collected by the relevant Iranian security authorities, certain quarters, which have spared no efforts in depriving the Islamic Republic of Iran of its inalienable right to peaceful nuclear energy, are behind the attacks. As has been claimed by the same circles, these terrorist acts have been carried out as part of the efforts to disrupt Iran's peaceful nuclear programme, since they assume that diplomacy alone would not be enough for that purpose.

Now, the question is whether we are entering an era where resorting to all unlawful and coercive measures, even terrorist acts, to prevent developing nations from exercising their right to development, including peaceful uses of nuclear energy to improve their socio-economic conditions, is allowed?

While reiterating, once again, the peaceful nature of Iranian nuclear activities, I would like to emphasize that the Islamic Republic of Iran would not compromise over its inalienable right to use nuclear energy for peaceful purposes, and no kind of political and economic pressure or terrorist attacks targeting the Iranian nuclear scientists could prevent our nation from exercising this right.

The Islamic Republic of Iran expresses its deep concern about, and strong condemnation of, such cruel, inhuman and criminal acts of terrorism against Iranian scientists. My country has suffered the most from acts of terrorism in terms of human loss and material damages in the past decades. You as the Secretary-General



of the United Nations, and the Security Council as well, are expected to uphold your responsibilities in condemning these inhumane terrorist acts and to take effective steps towards the elimination of terrorism in all its forms and manifestations.

It would be appreciated if the present letter could be circulated as a document of the General Assembly, under agenda item 107, and of the Security Council.

(Signed) Mohammad **Khazaee**
Ambassador
Permanent Representative

**Security Council**

Distr.: General
10 December 2010

Original: English

Thirtieth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)**I. Introduction**

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999). It covers both the issue of missing Kuwaiti and third-country nationals and that of missing Kuwaiti property, including national archives.
2. In my twenty-ninth report (S/2010/300), submitted on 9 June 2010, I called on Iraq and Kuwait to continue to act in the spirit of the confidence- and cooperation-building process launched in April 2009 and supported by the members of the Security Council, and to apply this to the resolution of a larger set of outstanding issues between the two countries, which should contribute to the further strengthening of their good-neighbourly relations and the enhancement of regional stability.

II. Background

3. The Joint Council of the European Union and the Cooperation Council for the Arab States of the Gulf, at its twentieth session, held in Luxembourg on 14 June 2010, expressed its support for United Nations efforts aimed at the return of Kuwaiti prisoners and nationals of other countries or their remains, as well as Kuwaiti property, including the country's national archives.
4. The final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of States members of the Organization of the Islamic Conference, held in New York on 24 September 2010, condemned the massive violations of human rights and the killing of Iraqis, Kuwaitis and citizens of third countries by the former Iraqi regime in contravention of international law and international humanitarian law, and welcomed all measures taken by the Government of Iraq to prosecute the criminals.

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

5. On 19 September 2010 in New York, I discussed the issue of Kuwaiti missing persons and property with the visiting Prime Minister of Kuwait, Sheikh Naser

Al-Mohammad Al-Ahmad Al-Sabah. The Prime Minister expressed the hope that the United Nations would continue to encourage Iraq to settle the pending issues, which would further boost confidence between the two countries. I also met with the President of Iraq, Jalal Talabani, on 23 September 2010, and urged Iraq to fulfil all its obligations under existing Chapter VII resolutions of the Security Council, including with regard to missing Kuwaiti persons and property.

6. Throughout the reporting period, the High-level Coordinator, Ambassador Gennady Tarasov, focused on the task of building the momentum towards the implementation of the goals set out in paragraph 14 of resolution 1284 (1999). In his contacts with the parties concerned, he consistently stressed the need to speed up efforts in the search for missing Kuwaiti and third-country nationals, and to translate goodwill statements and commitments into concrete actions with a view to achieving tangible results on the ground. To that end, the Coordinator travelled twice to the region.

7. From 27 to 30 September 2010, the Coordinator visited Kuwait, where he had a meeting with the Under-Secretary of the Ministry for Foreign Affairs, Khaled Al-Jarallah. The latter underscored the interest of Kuwait in maintaining friendly, good-neighbourly relations with Iraq on the basis of respect for international legality and the fulfilment of Iraq's obligations under the relevant Security Council resolutions. He welcomed the role of the United Nations in facilitating that process.

8. The Coordinator also met with the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs, and with the Iraqi delegation to the sixty-sixth session of the Technical Subcommittee of the Tripartite Commission, held in Kuwait on 28 September 2010. He urged them to intensify the search for missing persons and to follow up on the Subcommittee's decision to send an exploratory mission to Nassiriyah, southern Iraq, led by the International Committee of the Red Cross, at the end of 2010. The mission would investigate sites where missing Kuwaitis may have been buried and, if successfully conducted, would facilitate further and broader joint exploration activities at gravesites within Iraq.

9. From 21 to 23 November 2010, Ambassador Tarasov travelled to Iraq. He was received by the Prime Minister, Nuri Kamel al-Maliki; the Minister for Foreign Affairs, Hoshyar Zebari; and the Minister for Human Rights, Wijdan Mikhail Salim.

10. Ambassador Tarasov shared with his interlocutors the assessment of the implementation of the mandate and presented a review of steps taken by the parties to that end. In anticipation of the establishment of a new Government in Iraq, he called for a fresh, reinvigorated effort on the part of the Iraqi authorities to fulfil their obligations under paragraph 14 of resolution 1284 (1999) with a view to achieving practical results as soon as possible. In particular, he noted that conducting the joint exploratory mission to Nassiriyah, in the agreed format and within the agreed time frame, was of particular importance, as it would help to enhance the "quality of effort" in search for missing Kuwaiti and third-country nationals within Iraq and to strengthen the patterns of cooperation among the members of the Subcommittee.

11. Prime Minister al-Maliki stated that Iraq was committed to the resolution of all outstanding issues with Kuwait and to the establishment of excellent relations between the two countries. On the issue of missing persons, he said that Iraq was ready to do whatever was required and to investigate any information that could

lead to the finding of their remains. He characterized that task not only as a political commitment, but also as a humanitarian and religious duty. The Prime Minister issued instructions for the conduct of the mission to Nassiriyah.

12. Foreign Minister Zebari stressed that improving relations with Kuwait would be one of the topmost priorities for the new Government. Baghdad wished to see the lifting of all relevant Chapter VII restrictions on Iraq and stood ready to implement its commitments. He noted that Iraq was willing to cooperate and to assist the Coordinator in attaining the objectives of his mandate.

13. The Minister for Human Rights reaffirmed the commitment to the search for missing Kuwaitis, citing, *inter alia*, excavations under way in Ramadi. She said that, despite the strain on the Ministry's resources that it would entail, the exploratory mission to Nassiriyah would be undertaken. The Minister expressed appreciation for the Kuwaiti grant of \$974,000, extended earlier in 2010 to help to build Iraqi capacity in the excavation of mass graves and the identification of missing persons.

14. The memorandum of agreement between the United Nations Office for Project Services and the Iraqi Ministry for Human Rights on the use of the Kuwaiti grant was signed on 16 September 2010. As a result of the delay in receiving from Iraq the complete list of equipment to be bought under the grant, the Office estimated that the procurement process would not be finalized within the designated time frame. Accordingly, the Office requested the Government of Kuwait to extend the project until 31 March 2011.

15. Proceeding from Iraq to Kuwait, the Coordinator was received on 24 November 2010 by the Deputy Prime Minister and Minister for Foreign Affairs, Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, who stressed that Kuwait would like to see Iraq meet its obligations under relevant Security Council resolutions. He expressed the hope that the new Government in Iraq would move forward towards a speedy resolution of the outstanding issues with Kuwait, including the file of missing Kuwaitis and property, and thus pave the way for improved relations between the two countries. The Coordinator also met with the members of the National Committee for Missing Persons and Prisoner of War Affairs.

IV. Recent activities with regard to the return of Kuwaiti property

16. By a note verbale dated 26 November 2010 addressed to the Secretary-General, the Permanent Mission of Iraq to the United Nations transmitted a letter dated 26 November 2010 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General "regarding the missing Kuwaiti prisoners of war in Iraq", attached to which was a summary of the key measures taken by the Government of Iraq with respect to this matter in 2009 and 2010 (see annex).

17. I remain concerned that no progress has been made in finding the Kuwaiti national archives and that no credible information about their fate or whereabouts has emerged.

18. Iraqi officials informed the Coordinator that an announcement in the official newspaper *Al-Sabah* calling on anyone who possessed Kuwaiti documents or property seized by the former regime to contact the Ministry for Foreign Affairs had

elicited a response from the Iraqi Ministry for Industry and Mines, which claimed that it had in its possession some equipment belonging to Kuwait.

19. In all his contacts, the Coordinator continued to emphasize the need for sustained and concerted action to clarify the fate of the Kuwaiti archives, to which Kuwait attached great importance. During a meeting held on 23 November 2010, the Prime Minister of Iraq expressed support for the Coordinator's suggestion that an inter-ministerial committee be established to lead and coordinate efforts with regard to the Kuwaiti archives and other missing property.

V. Observations

20. I look forward to the earliest possible resolution of all the outstanding issues between Iraq and Kuwait which have persisted for nearly 20 years. I welcome the assurances given to me personally and to my High-level Coordinator by the President and the Prime Minister of Iraq, as well as by other senior Iraqi officials, of their commitment to the early and full implementation of all Iraqi obligations towards Kuwait under the relevant Chapter VII Security Council resolutions. Positive actions on the part of Iraq should in turn enable the Council to address the report that I submitted on 27 July 2009 in pursuance of paragraph 5 of resolution 1859 (2008) (S/2009/385). I hope that the formation of a new Government in Iraq will present an opportunity to take the cooperation between Iraq and Kuwait to a new level in that regard.

21. I call on Iraq to continue to work with Kuwait in the spirit of the confidence- and cooperation-building process, and to translate statements of goodwill into tangible outcomes leading to visible and significant progress in the implementation of the present mandate. In that regard, I look forward to the pursuit of practical steps in the search for missing Kuwaiti and third-country nationals and property. The planned exploratory mission by the Technical Subcommittee to Nasseriyah will be one such practical step, which should be followed by broader results-oriented measures.

22. The commitment of the members of the Tripartite Commission and its Technical Subcommittee to ascertaining the fate of missing Kuwaiti and third-country nationals is commendable. I am grateful to the International Committee of the Red Cross for its consistent efforts in that regard.

23. The Government of Iraq should set up an official body as soon as possible to lead and coordinate efforts to clarify the fate of the Kuwaiti archives and other missing property. This could prove to be another concrete step, which will demonstrate the determination of Iraq to build confidence and trust with Kuwait.

24. I recommend that the Security Council extend the financing of the Coordinator's mandate until June 2011 in order to build on the current momentum towards the implementation of paragraph 14 of resolution 1284 (1999).

Annex**Note verbale dated 26 November 2010 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General**

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to enclose herewith, from His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, a letter dated 26 November 2010 regarding the missing Kuwaiti prisoners of war in Iraq (see enclosure).

Enclosure

Letter dated 26 November 2010 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General

[Original: Arabic]

I am pleased to refer to our meeting with Mr. Gennady Tarasov, High-level Coordinator for missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, at the Iraqi Ministry for Foreign Affairs on 22 November 2010. We should like to transmit to you a summary of the key measures taken by the Government of Iraq with respect to this matter during 2009 and 2010 (see attachment).

In this context, I am also pleased to affirm to you that since the fall of the previous regime, coordination and cooperation have been ongoing with fraternal Kuwait on matters of mutual interest, in particular the investigation into the fate of missing persons. We have taken a series of measures designed to strengthen the prospects of finding them. Inter alia, names and photographs of missing persons whose remains have yet to be found were circulated in the media, and citizens were asked to report to the competent Iraqi authorities any information related to this subject. As a result of this cooperation, graves suspected of containing the remains of Kuwaiti nationals were uncovered. The International Committee of the Red Cross was notified accordingly, and Kuwaiti technical teams were invited to the sites concerned and to transfer the remains to Kuwait in order to ascertain their identity. It was as a result of this bilateral cooperation that the whereabouts of 236 of the 605 missing Kuwaiti and third-country nationals were successfully uncovered, an outcome that would not have been achieved without the full cooperation of Iraq. The summary attached to this letter clarifies an important aspect of those measures.

In the interests of further joint cooperation and of accelerating the completion of the requirements for closing this file and ending the suffering of the families of the missing victims, we consider the presence of a permanent Kuwaiti technical team in Iraq, through the Kuwait Embassy in Baghdad, to be a mechanism that will facilitate and expedite measures aimed at finding the remains of missing Kuwaiti nationals. This team will have the full backing of the Government of Iraq and will serve as a mechanism for assisting and supporting the mandate of the High-level Coordinator.

We reaffirm the readiness of the Government of Iraq to cooperate fully with the United Nations and other international authorities interested in this matter with a view to the adoption of measures to ensure the closure of this humanitarian file, bearing in mind that bilateral cooperation between the two fraternal countries and peoples of Iraq and Kuwait is the optimum means of attaining that objective.

I should be grateful if this letter and its attachment were appended to your next report to the Security Council pursuant to paragraph 14 of Security Council resolution 1284 (1999).

(Signed) Hoshiyar Zebari
Minister for Foreign Affairs of the Republic of Iraq

Attachment

Summary of measures taken by the Iraqi side in connection with the search for missing Kuwaiti and third-country nationals during 2009 and 2010

The competent Iraqi authorities published photographs of missing Kuwaiti nationals in the official news paper *Al-Sabah* on 16 August 2009 as one of the measures aimed at tracing the missing persons.

Specialist teams were established to inspect and carry out initial digging at presumed burial sites in a number of Iraqi governorates on the basis of a total of 50 coordinates relayed to the Iraqi side by the Kuwaiti side through the International Committee of the Red Cross (ICRC), as detailed below:

1. The Najaf site (no coordinates) from 21 to 23 April 2009 (note 8007, dated 29 April 2009, from the Iraqi side to the ICRC mission);
2. The Baghdad site in the Mada'in area (Salman Bak) (2 coordinates) from 6 to 7 July 2009 (note 13630, dated 23 July 2009, from the Iraqi side to the ICRC mission);
3. The Karbala' site (27 coordinates) from 26 September to 9 October 2009 (note 19473, dated 27 October 2009, from the Iraqi side to the ICRC mission);
4. The Ramadi site (4 coordinates) from 1 to 8 November 2009 (note 20714, dated 17 November 2009, from the Iraqi side to the ICRC mission);
5. The Nasiriyah site (15 coordinates) from 16 to 25 November 2009 (note 21772, dated 8 December 2009, from the Iraqi side to the ICRC mission);
6. The Samawah site (2 coordinates) from 2 to 8 January 2010 (note 611, dated 14 January 2010, from the Iraqi side to the ICRC mission).

Comment: no traces indicating the presence of human remains were found at these sites.

A ministerial committee chaired by the Ministry of Human Rights, with the Ministries of Defence, the Interior and National Security as members, was established to follow up on and analyse all information received on missing Kuwaiti nationals. To date, the committee has held nine meetings and accomplished the following:

1. A visit was made to Kadhimiyah prison in order to meet with a number of former security officers being held there. They had no information that could be used to determine the whereabouts of missing Kuwaiti nationals. The ICRC mission was informed of the visit when one of its representatives participated in the committee's most recent meeting, held on 18 November 2010;
2. The archives of the section dealing with captives and missing persons from the second Gulf war were examined, and the ICRC mission was provided with the findings of the examination pursuant to note 14855 from the Iraqi side, dated 23 September 2010;

3. Testimony was heard from Lieutenant-General Rashid Fahh concerning information in his possession on burial sites presumed to contain the remains of missing Kuwaiti nationals in Nasiriyah governorate, the aim being to make use of that information in the initial inspection of those sites;

4. Work was carried out at the Ramadi-Saqlawiyah-Sahl Ukkaz site, as follows:

(a) A task force visited the site, from which nine samples of remains were exhumed and sent to Kuwait through ICRC, pursuant to note 250 from the Iraqi side, dated 11 March 2010. They were not shown by DNA testing to belong to missing Kuwaiti nationals;

(b) On 29 October 2010, a task force visited the site, from which 104 remains had been exhumed as at 15 November 2010. Work at the site is still ongoing;

5. From 6 to 12 November 2010, the Ministry of Human Rights dispatched one of its own teams to Nasiriyah governorate in order to confirm 13 coordinates at the Tall Lahm and Khamisiyah sites, where the Iraqi side had not previously worked. Following completion of the initial inspection activities, it emerged that there were three coordinates at which no earlier digging had taken place: two in Khamisiyah and one in Tall Lahm. As for the other coordinates, Kuwaiti task forces had already carried out digging there in 2003, 2004 and 2005. Those sites have been designated in preparation for the conduct of joint activities at a later date;

6. The Qurnah burial site: on the strength of information received by the Iraqi side concerning the existence of a burial site in Basrah governorate (Dayr, south of the Qurnah area) containing remains presumed to be those of a Kuwaiti national, the competent Iraqi authorities identified and marked the site, on the basis of its coordinates, on 11 November 2010. The site will be dug later in order to verify the accuracy of the information.

**Security Council**

Distr.: General
15 December 2010

Original: English

**Austria, Bosnia and Herzegovina, China, Gabon, Japan, Lebanon,
Nigeria, Russian Federation, Turkey, Uganda, United Kingdom of
Great Britain and Northern Ireland and United States of America:
draft resolution**

The Security Council,

Recalling its previous resolutions on the situation in Iraq, in particular resolutions 986, 1472, 1476, 1483, and 1546, and the Report of the Secretary-General pursuant to paragraph 5 of resolution 1859 (2008),

Recalling the need for the "Oil-for-food" Program (hereinafter "the Program") established under resolution 986 (1995) as a temporary measure to provide for the humanitarian needs of the Iraqi people,

Recognizing the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661,

Recognizing the importance of the activities of the Secretary-General's High-Level Coordinator's office established pursuant to resolution 1284 (1999),

Recalling the Secretary-General's letter, dated 8 December 2010 and the Note attached thereto, S/2010/619, the third report of the Secretary-General pursuant to paragraph 3 of resolution 1905 (2009), S/2010/563, and the third quarterly report of the Government of Iraq pursuant to paragraph 5 of resolution 1905 (2009), S/2010/567,

Noting the letter from the Government of Iraq to the President of the Security Council, dated 6 December 2010,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the Secretary-General to take all actions necessary to terminate all residual activities under the Program, noting that all letters of credit with outstanding claims of delivery, listed in Annex I to the Secretary-General's Note, dated 8 December 2010, S/2010/619, have expired according to their terms and that no confirmation of arrival will be provided by the Government of Iraq and are closed for all purposes under the Program, including for purposes of transferring the funds associated with such letters of credit from the collateral portion of the Iraq Account to the non-collateral portion of the Iraq Account, without prejudice to any rights or claims that the suppliers with claims of delivery may have for payment, or otherwise, against the Government of Iraq under their respective commercial contracts with the Government of Iraq;

2. *Notes* the Government of Iraq's provision of certificates of arrival on file with the United Nations as of 15 December 2010, for which payment has not been effected either as a result of the advising bank not being able to locate the relevant beneficiaries or as a result of the beneficiary not providing requisite documentation, as referenced in the Secretary-General's Note, dated 8 December 2010, paragraphs 11 and 12 and Annexes II and III, and calls upon the Government of Iraq to provide without delay direct payment if contacted by the beneficiaries or its representatives;

3. *Authorizes* the Secretary-General to establish an escrow account for the purposes of paragraphs 4 and 5 of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;

4. *Authorizes* the Secretary-General to ensure that 20 million United States dollars of the Iraq Account are retained in the escrow account until 31 December 2016, exclusively for the expenses of the United Nations related to the orderly termination of the residual activities of the Program, including the Organization's support to member State investigations and member State proceedings related to the Program, and the expenses of the high-level coordinator's office created pursuant to resolution 1284 and further requests that all remaining funds are to be transferred to the Government of Iraq by 31 December 2016;

5. *Authorizes* the Secretary-General to ensure that up to 131 million United States dollars of the Iraq Account are retained in the escrow account for the purpose of providing indemnification to the United Nations, its representatives, agents, and independent contractors for a period of six years with regard to all activities in connection with the Program since its inception, and further requests that all remaining funds are to be transferred to the Government of Iraq by 31 December 2016;

6. *Authorizes* the Secretary-General to facilitate the transfer as soon as possible of all funds remaining, beyond those retained for the purposes of paragraphs 4 and 5, from the Iraq Account created pursuant to paragraph 16 (d) of resolution 1483 (2003) to the Development Fund of Iraq;

7. *Requests* the Secretary-General to take all necessary actions to ensure the effective implementation of this resolution and to enter into all necessary implementing arrangements or agreements as soon as possible with the Government of Iraq:

(a) to provide appropriate indemnification, as referenced in paragraph 5, to the United Nations, its representatives, agents, and independent contractors, with regard to all activities in connection with the Program since its inception and

(b) to provide for a waiver of any future claims the Government of Iraq may have against the United Nations, its representatives, agents, and independent contractors with regard to all activities in connection with the Program since its inception, as referenced in paragraphs 19, 20, and 21 in S/2008/492, and requests him to report to the Council when he has done so;

8. *Requests* the Secretary-General to report and provide analysis to the Council on the usage and expenditure of the escrow account referenced in paragraphs 4 and 5 on an annual basis, the first no later than 31 March 2012, with the final report occurring three months after the transfer of any remaining funds retained for the purposes of paragraphs 4 and 5 to the Government of Iraq by 31 December 2016, unless otherwise authorized by the Security Council;

9. *Decides* to remain actively seized of the matter.

**Security Council**

Distr.: General
10 December 2010

Original: English

**Letter dated 7 December 2010 from the Secretary-General
addressed to the President of the Security Council**

I refer to my letter dated 30 November 2009 (S/2009/642) informing the President of the Security Council of the progress made by the Cameroon-Nigeria Mixed Commission, and his reply dated 14 December 2009 (S/2009/643), in which he took note of my intention to continue the activities of the United Nations support team to the Mixed Commission with funding from the regular budget. In the same spirit, by the present letter, I would like to inform you of the latest achievements and activities undertaken by the Mixed Commission.

As you know, the United Nations established the Mixed Commission to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice on the Cameroon-Nigeria boundary dispute. Through my good offices, and with the support of the United Nations Secretariat, I have continued to facilitate the implementation of the ruling of the International Court of Justice.

The mandate of the Mixed Commission includes supporting the demarcation of the land boundary and delineation of the maritime boundary, facilitating the withdrawal and transfer of authority along the boundary, addressing the situation of affected populations and making recommendations on confidence-building measures. Achievements to date in the implementation of the ruling of the Court include withdrawal and transfer of authority in the Lake Chad area (December 2003), along the land boundary (July 2004) and in the Bakassi Peninsula (initial withdrawal and transfer of authority in June 2006 and completion of the process in August 2008), as well as delineation of the maritime boundary (May 2007). In the course of 2010, the Mixed Commission was able to continue to facilitate the process smoothly and peacefully, including helping maintain open dialogue and communication between the two countries. The following are some of the activities for which the United Nations support team to the Mixed Commission has provided substantive, technical and logistical support.

Concerning the demarcation of the estimated 1,950-kilometre land boundary, progress continued to be made in 2010 with the field assessment. Cameroon and Nigeria have now agreed on 1,466 kilometres. This distance does not take into account an additional section of 95 kilometres currently being assessed. Progress is slowing as a result of the geographical terrain becoming more difficult to access and irregular meetings of the parties causing delays in decision-making by the Mixed Commission.

The rate of implementation of demarcation contracts funded through extrabudgetary resources increased through 2010. The contractor in charge of the ground control survey aimed at rectifying satellite imagery to align it with the actual coordinates on the ground. The field work for that contract and a capacity-building workshop for technicians of Cameroon and of Nigeria have been completed. During the first semester of 2010, the United Nations Office of Project Services continued demarcation activities, placing 378 boundary pillars along a first section of land boundary starting from Lake Chad.

The United Nations Office for Project Services faced a number of constraints, including incomplete provision of technical specifications for pillar locations and security incidents involving border communities, which prevented it from reaching the target of 700 boundary pillars constructed under the project agreement for this first section of the land boundary.

Concerning the maritime boundary, Cameroon and Nigeria agreed in 2010 on a "resource clause" dealing with oil and gas fields straddling their common maritime boundary. This clause, which paves the way for cross-boundary cooperation on oil and gas, provides the basis upon which both Governments will be able to reach agreement covering all aspects of hydrocarbon exploration and exploitation. The parties also agreed on a clause relating to oil and gas installations and safety zones and institutional arbitration as their preferred method of conflict resolution.

Reports by United Nations civilian observers monitoring the situation along the land boundary and in the Bakassi Peninsula have concluded that the prevailing situation continues to be peaceful.

The follow-up committee established by the 12 June 2006 Greentree Agreement continued its work following the final transfer of authority in the "zone" in the Bakassi Peninsula from Nigeria to Cameroon on 14 August 2008.

In 2010, the two meetings of the follow-up committee (both in Geneva, on 5 and 6 July and on 28 and 29 October) were preceded by observer visits in Bakassi. The follow-up committee noted the efforts undertaken to sensitize the populations on fishing rules and regulations as well as on wood exploitation and security, along with the readiness of the Cameroonian authorities to undertake investigations into any alleged incidents brought to their attention.

In 2010, the Mixed Commission continued to support the formulation of confidence-building measures to guarantee the security and welfare of affected populations and to promote initiatives to enhance trust between the two Governments and their peoples.

At the request of both parties, my Special Representative pursued discussions with the Resident Coordinators for Cameroon and Nigeria aimed at reviewing their development assessment frameworks in order to accommodate cross-border confidence-building and development programmes. This should result in a joint strategy to be led and owned by the parties and joint programme proposals which will be presented to both Governments in 2011.

Although an exact date for completion of the activities of the Cameroon-Nigeria Mixed Commission is difficult to predict, demarcation activities should be completed by 2015. The feasibility of this deadline will depend on (a) the ability of the parties to reach agreement on all areas of disagreement and (b) successful

mobilization by the Mixed Commission of the required additional extrabudgetary funding to complete the demarcation work.

After 2011, the following activities will conclude the work of the Mixed Commission:

- (a) Assisting the parties in addressing the remaining areas of disagreement arising from the field assessment;
- (b) Coordinating and certifying demarcation contracts, including the completion of pillar emplacement and all remaining land boundary demarcation activities by 2014;
- (c) Following up and supporting the activities of the Lake Chad Basin Commission and the Gulf of Guinea Cooperation Council;
- (d) Promoting cross-border cooperation, including maritime cooperation on oil and gas fields straddling boundaries and joint security monitoring along the land boundary;
- (e) Implementing exit strategies by handing over the activities of the Mixed Commission to the Joint Bilateral Commission and other subregional structures;
- (f) In line with the June 2006 Greentree Agreement and through the follow-up committee, monitoring the situation in the "zone" of the Bakassi Peninsula for the remainder of the five-year transitional period (from August 2008 to August 2013), during which special protection shall be granted to Nigerian residents.

I would like to recall that, until 2003, the Mixed Commission was funded entirely from extrabudgetary funds. During the period from 2004 to 2010, the activities of the Mixed Commission were funded through the United Nations regular budget. The Governments of Austria, Brazil, Canada, Italy, Norway, Pakistan, Sweden and Uruguay have provided support in kind for the substantive and technical work of the Commission (military and legal experts), in addition to the logistical support provided by the Governments of Cameroon and Nigeria, and the voluntary contributions of both countries, as well as those of Canada, the United Kingdom of Great Britain and Northern Ireland, and the European Union, to the trust fund for the demarcation activities.

Given the cost-effectiveness of the mission and the important tasks remaining at this juncture to help advance the peaceful implementation of the ruling of the International Court of Justice, it is my intention to ask for resources from the regular budget for the Mixed Commission for the period from 1 January to 31 December 2011.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) **BAN Ki-moon**



Security Council

Distr.: General
10 December 2010

Original: English

Letter dated 10 December 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 7 December 2010 (S/2010/637), concerning your intention to continue the activities of the United Nations support team to the Cameroon-Nigeria Mixed Commission, with funding from the regular budget, has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein. They also urge the members of the Mixed Commission to work with international donors to seek further voluntary contributions.

(Signed) Susan E. Rice
President of the Security Council



**General Assembly
Security Council**

Distr.: General
15 December 2010

Original: English

**General Assembly
Sixty-fifth session**

Agenda item 34

**Protracted conflicts in the GUAM area and
their implications for international peace, security
and development**

**Security Council
Sixty-fifth year**

**Identical letters dated 14 December 2010 from the Permanent
Representative of Georgia to the United Nations addressed to the
Secretary-General and the President of the Security Council**

I have the honour to transmit the annexed letter of the President of Georgia, Mikheil Saakashvili, regarding the pledge of Georgia not to use force either against Russian occupying forces or against their proxies in the Georgian territories occupied by the Russian Federation.

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-fifth session of the United Nations General Assembly, under agenda item 34, "Protracted conflicts in the GUAM area and their implications for international peace, security and development", and of the Security Council.

(Signed) Alexander Lomaia
Ambassador
Permanent Representative

**Annex to the identical letters dated 14 December 2010 from the
Permanent Representative of Georgia to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

**Letter dated 30 November 2010 from the President of Georgia
addressed to the Secretary-General**

On 23 November 2010, in an address to the European Parliament, I pledged that Georgia will not use force either against Russian occupying forces or against their proxies in the Georgian territories occupied by the Russian Federation, even though the Charter of the United Nations empowers us to do so. Georgia will only retain the right to self-defence in the case of new military attacks against the Georgian Government and people of Georgia.

With this letter, I would like to formalize this commitment to you, in your capacity as Secretary-General of the United Nations. The United Nations has a major stake in the successful resolution of the situation in Georgia, due to the principles for which the Organization stands, and also as co-chair of the Geneva Discussions.

The Russian Federation continues to illegally occupy 20 per cent of Georgian territory, in blatant violation of international law and the 12 August 2008 ceasefire agreement signed by the Presidents of the Russian Federation and Georgia, and brokered thanks to the mediation of President Sarkozy, on behalf of the European Union. Up to 500,000 internally displaced persons and refugees, victims of ethnic cleansing, remain unable to return home. The Russian Federation also systematically undermines the Geneva Discussions, until now the only format for dialogue supported by the international community.

Despite these violations and despite the fact that the Georgian Government already considers itself bound by the 12 August ceasefire agreement and has always considered that this ceasefire prohibits the use of force, we unilaterally declare that we will seek reunification and de-occupation only through peaceful means, without resorting to force.

Our unilateral commitment to the non-use of force immediately becomes our legal obligation under international law.

We make this pledge hoping that Russia will finally start to comply with the 12 August ceasefire agreement and fundamental principles of international law, even if the Russian leadership has refused until now to recognize the legitimacy of the Georgian Government, aimed at establishing the conditions for a peaceful resolution of our conflict with the Russian Federation.

In closing, I would like to extend my utmost gratitude for the role that the United Nations is playing to peacefully resolve the conflict. I also would like to express my hope that, with your assistance and mediation, Georgia and Russia will manage to engage in productive high-level talks. The Georgian side is certainly prepared to do so.

(Signed) Mikheil Saakashvili

**Security Council**

Distr.: General
16 December 2010

Original: English

**France, Gabon, Japan, Lebanon, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution**

The Security Council,

Recalling its resolutions and the statements of its President on Burundi, in particular resolutions 1719 (2006), 1791 (2007), 1858 (2008) and 1902 (2009),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Taking note with appreciation of the successful holding of five consecutive elections between May and September 2010, which, despite divisions between political actors, did not lead to large-scale violence and constitute an important milestone in the consolidation of peace and democracy as well as sustainable development in Burundi,

Encouraging the efforts of the Government of Burundi to create a space for all political parties and to continue improving dialogue between all actors, including civil society,

Commending the valuable contribution that the United Nations Integrated Office in Burundi (BINUB) has made to the recovery of Burundi from conflict and to the country's peace, security and development,

Welcoming the progress that Burundi has made towards peace, stability and development and *emphasizing* the need for the United Nations system and the international community, including the international financial institutions and Burundi's development partners, to maintain their support for peace consolidation and long-term development in Burundi,

Supporting the renewed commitment of Burundi to "zero tolerance" for corruption,

Welcoming the continued engagement of the Peacebuilding Commission in Burundi and the recent visit of the Chair of the Commission's Burundi configuration, *taking note* of the January 2010 review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing of the Chair of the Burundi configuration of the Peacebuilding Commission on 9 December 2010, and *acknowledging* the contribution that the Peacebuilding Fund has made to peacebuilding in Burundi,

Supporting the commitment of Burundi to regional integration, notably in the Economic Community of Great Lakes Countries (CEPGL) and the East African Community (EAC), and its efforts to ensure the success of its Chairing of the EAC in 2011

Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi, and noting with appreciation the completion of the national consultations on the establishment of the transitional justice mechanisms, in accordance with its resolution 1606 (2005) as well as the Arusha agreements (2000),

Noting with great concern the reports of continuing human rights violations, in particular extrajudicial killings and torture, and restrictions on civil liberties, including restrictions on the freedom of expression, association and assembly of opposition parties and civil society organizations,

Encouraging the Government of Burundi to protect the civil liberties and to fight impunity, particularly by ensuring that those responsible for incidences of torture, extrajudicial killings and mistreatment of detainees are brought to justice,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict,

Having considered the seventh report (S/2010/608) of the Secretary-General on the HNUH,

1. *Requests the Secretary-General to establish the United Nations Office in Burundi (HNUH), as recommended in his report (S/2010/608), as a significantly scaled-down United Nations presence, for an initial period of 12 months beginning on 1 January 2011, with the key tasks as specified in paragraph 3 below, to support the progress achieved in recent years by all national stakeholders in consolidating peace, democracy and development in Burundi;*

2. *Believes the Secretary-General's recommendation that HNUH should be headed by a Special Representative of the Secretary-General assisted by a Deputy Special Representative who would serve as United Nations Resident Coordinator and Humanitarian Coordinator, as well as Resident Representative of the United Nations Development Programme, and recognizes the need for appropriate expertise and adequate material resources, in order that the HNUH can effectively and efficiently implement its mandate;*

3. *Requests that HNUH focuses on and supports the Government of Burundi in the following areas:*

(a) *Strengthening the independence, capacities and legal frameworks of key national institutions, in particular judicial and parliamentary institutions, in line with international standards and principles;*

(b) *Promoting and facilitating dialogue between national actors and supporting mechanisms for broad-based participation in political life, including for the implementation of development strategies and programmes in Burundi;*

(c) *Supporting efforts to fight impunity, particularly through the establishment of transitional justice mechanisms to strengthen national unity,*

promote justice and promote reconciliation within Burundi's society, and providing operational support to the functioning of these bodies.

(d) Promoting and protecting human rights, including strengthening national capacities in that area, as well as national civil society;

(e) Ensuring that all strategies and policies with respect to public finance and the economic sector, in particular the next Poverty Reduction Strategy Paper (PRSP), have a focus on peacebuilding and equitable growth, addressing specifically the needs of the most vulnerable population, and advocating for resource mobilization for Burundi;

(f) Providing support to Burundi as Chair of the East African Community in 2011 as well as providing advice, as requested, on regional integration issues.

4. *Underscores* the need for a smooth transition from BINUB to BNUB.

5. *Underlines* the importance of establishing a fully integrated office with effective coordination of strategy and programmes among the United Nations agencies, funds and programmes in Burundi, and *emphasizes* the need for the United Nations system to support and cooperate fully with BNUB.

6. *Recognizes* the primary responsibility of the Government of Burundi for peacebuilding, security and long-term development in the country, and *encourages* the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, the fight against corruption, security sector reform, justice and the protection of human rights, with a special focus on the rights of women and children as well as marginalized and vulnerable minorities;

7. *Encourages* the Government of Burundi with the support of BNUB and other international partners to redouble its efforts to pursue structural reforms aimed at improving political, economic and administrative governance and tackling corruption, with a view to setting up strong drivers for sustained and equitable social and economic growth;

8. *Underscores* the importance of security sector reform and *urges* all international partners, together with BNUB, to continue supporting the Government of Burundi's efforts to professionalize and enhance the capacity of the national security services and the police, in particular in the fields of training on human rights and sexual and gender-based violence, and with the view to consolidating security sector governance;

9. *Commends* the Government of Burundi for the completion of the reintegration of the last groups of children formerly associated with armed groups and of ex-combatants, *encourages* the Government to ensure that these results are sustainable, *encourages* the Peacebuilding Commission to consider what specific actions it could undertake to bolster its support to the sustainable reintegration of war-affected populations and other vulnerable groups, and *supports* the Government's efforts in voluntary civilian disarmament campaign and the launch of the Police Nationale du Burundi (PNB) arms marking and registration process;

10. *Encourages* the Government of Burundi, the Peacebuilding Commission, and its national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding, *requests* the Peacebuilding

Commission, with support from BNUB, to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security, reintegration and long-term development in Burundi, including ensuring that progress is made in the implementation of rule of law and that peacebuilding objectives are fully taken into account in the future strategic planning processes, in particular the PRSP, and *requests* the Peacebuilding Commission to provide advice to the Security Council on these issues;

11. *Urges* the Government to investigate reports of human rights violations, to take the necessary steps to prevent further violations and to ensure that those responsible for such violations are brought to justice;

12. *Calls upon* the Government of Burundi to pursue its efforts to ensure the promotion and protection of human rights and to swiftly establish the National Independent Human Rights Commission, in conformity with the Paris Principles outlined in General Assembly resolution 48/134 and further *encourages* it to continue its fight against impunity and to take the necessary measures to ensure its citizens fully enjoy their civil, political, social, economic and cultural rights as enshrined in the Constitution of Burundi and provided for by international human rights instruments, including those ratified by Burundi;

13. *Welcomes* the completion of the national consultations on the establishment of transitional justice mechanisms, *commends* the Government of Burundi for publishing the report of these consultations and *encourages* the Government of Burundi, with the support of international partners and BNUB as appropriate, to establish the proposed mechanisms;

14. *Welcomes* the recent tripartite agreement between Burundi, the Democratic Republic of the Congo and UNHCR as well as the progress towards achieving dignified durable solutions for refugees living in Tanzania, and *encourages* a sustained effort to find solutions with regards to the residual Burundi refugee caseload, in compliance with relevant international law;

15. *Requests* the Secretary-General to keep the Council informed every six months on the implementation of the mandate of BNUB and this resolution, with a briefing by 31 May 2011 and a report by 30 November 2011, and *calls upon* the Secretary-General to develop a set of benchmarks for the future evolution of BNUB into a United Nations Country Team presence and regularly report on their progress to the Security Council;

16. *Decides* to remain actively seized of the matter.

**Security Council**

Provisional

15 December 2010

Original: English

Albania, Argentina, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Peru, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution

The Security Council,

Reaffirming its commitment to the continuing and full implementation, in a mutually reinforcing manner, of resolutions 1325 (2000), 1612 (2005), 1674 (2006), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009) and 1894 (2009), and all relevant statements of its President,

Welcoming the report of the Secretary-General of 24 November 2010 (S/2010/604), but remaining deeply concerned over the slow progress on the issue of sexual violence in situations of armed conflict in particular against women and children, and noting as documented in the Secretary-General's report that sexual violence occurs in armed conflicts throughout the world,

Reiterating deep concern that despite its repeated condemnation of violence against women and children in situations of armed conflict, including sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to occur, and in some situations have become systematic and widespread, reaching appalling levels of brutality,

Reiterating the necessity for all States and non-State parties to conflicts to comply fully with their obligations under applicable international law, including the prohibition on all forms of sexual violence,

Reiterating the need for civilian and military leaders, consistent with the principle of command responsibility, to demonstrate commitment and political will to prevent sexual violence and to combat impunity and enforce accountability, and that inaction can send a message that the incidence of sexual violence in conflicts is tolerated,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes, and other egregious crimes perpetrated against civilians and, in this regard, *noting with concern* that only limited numbers of perpetrators of sexual violence have been brought to justice, while recognizing that in conflict and in post-conflict situations national justice systems may be significantly weakened,

Welcoming the progress made in rendering operational the team of experts to assist national authorities to strengthen the rule of law in accordance with resolution 1888 (2009); *reaffirming* the importance of deploying it rapidly to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government and in this regard, *appreciating* the voluntary contributions to support its work,

Recognizing that States bear the primary responsibility to respect and ensure the human rights of all persons within their territory and subject to their jurisdiction as provided for by international law,

Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Recalling that international humanitarian law affords general protection to women and children as part of the civilian population during armed conflicts and special protection due to the fact that they can be placed particularly at risk,

Reaffirming that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses, *drawing attention* to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and *noting* that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

Recalling the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals,

Reaffirming the importance for States, with the support of the international community, to increase access to health care, psychosocial support, legal assistance, and socio-economic reintegration services for victims of sexual violence, in particular in rural areas, and taking into account the specific needs of persons with disabilities,

Welcoming the proposals, conclusions and recommendations included in the report of the Special Committee on Peacekeeping Operations (A/64/19) on the need for adequate capabilities and clear and appropriate guidelines to enable peacekeeping missions to carry out all their mandated tasks, including prevention of

and response to sexual violence; *stressing* the importance of ensuring engagement by senior mission leadership on protection of civilians, including the prevention of and response to instances of sexual violence in armed conflict, with a view to ensuring that all mission components and all levels of the chain of command are properly informed of and involved in the mission's mandate and their relevant responsibilities; *welcoming* progress made by the Secretary-General in developing operational tools for the implementation of protection of civilians mandates; and *encouraging* troop- and police-contributing countries to make full use of and provide feedback on these important materials.

Recognizing the efforts of the Secretary-General to address the underrepresentation of women in formal peace processes, the lack of mediators and ceasefire monitors with proper training in dealing with sexual violence, and the lack of women as Chief or Lead peace mediators in United Nations-sponsored peace talks; and *encouraging* further such efforts,

Welcoming the inclusion of women in peacekeeping missions in civil, military and police functions, *recognizing* that their presence may encourage women from local communities to report acts of sexual violence,

Having considered the report of the Secretary-General of 24 November 2010 (S/2010/604) and *stressing* that the present resolution does not seek to make any legal determination as to whether situations that are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudice the legal status of non-State parties involved in these situations,

1. *Reaffirms* that sexual violence, when used or commissioned as a tactic of war or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate and prolong situations of armed conflict and may impede the restoration of international peace and security; *affirms* in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security; and *expresses its readiness*, when considering situations on the agenda of the Council, to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict;

2. *Reiterates* its demand for the complete cessation with immediate effect by all parties to armed conflict of all acts of sexual violence;

3. *Encourages* the Secretary-General to include in his annual reports submitted pursuant to resolutions 1820 (2008) and 1888 (2009) detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list in an annex to these annual reports the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda; *expresses* its intention to use this list as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees;

4. *Requests* the Secretary-General, in accordance with the present resolution and taking into account its specificity, to apply the listing and de-listing criteria for

parties listed in his annual report on sexual violence in armed conflict consistent with paragraphs 175, 176, 178, and 180 of his report A/64/742-S/2010/181;

5. *Calls upon* parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, which should include, *inter alia*, issuance of clear orders through chains of command prohibiting sexual violence and the prohibition of sexual violence in Codes of Conduct, military field manuals, or equivalent; and *further calls upon* those parties to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable;

6. *Requests* the Secretary-General to track and monitor implementation of these commitments by parties to armed conflict on the Security Council's agenda that engage in patterns of rape and other sexual violence, and regularly update the Council in relevant reports and briefings;

7. *Reiterates* its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and *calls upon* all peacekeeping and other relevant United Nations missions and United Nations entities, in particular the Working Group on Children and Armed Conflict, the Special Representative of the Secretary General for Children and Armed Conflict, and the Special Representative of the Secretary General on Sexual Violence in Conflict, to share with relevant United Nations Security Council Sanctions Committees, including through relevant United Nations Security Council Sanction Committees' monitoring groups and groups of experts, all pertinent information about sexual violence;

8. *Requests* the Secretary General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence, including rape in situations of armed conflict and post-conflict and other situations relevant to the implementation of resolution 1888 (2009), as appropriate, and taking into account the specificity of each country, that ensure a coherent and coordinated approach at the field-level, and *encourages* the Secretary-General to engage with United Nations actors, national institutions, civil society organizations, health-care service providers, and women's groups to enhance data collection and analysis of incidents, trends, and patterns of rape and other forms of sexual violence to assist the Council's consideration of appropriate actions, including targeted and graduated measures, while respecting fully the integrity and specificity of the monitoring and reporting mechanism implemented under Security Council resolutions 1612 (2005) and 1882 (2009) on children and armed conflict;

9. *Requests* the Secretary-General to continue to ensure full transparency, cooperation and coordination of efforts between the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict;

10. *Welcomes* the work of gender advisers; looks forward to the appointment of more women protection advisers to peacekeeping missions, in accordance with resolution 1888 (2009); notes their potential contribution in the framework of the monitoring, analysis, and reporting arrangements to be established pursuant to OP8 of the present resolution;

11. *Welcomes* the elaboration by the Secretary-General of scenario-based training materials on combating sexual violence for peacekeepers and *encourages* Member States to use them as a reference for the preparation and deployment of United Nations peacekeeping operations;

12. *Underlines* that, in order to carry out their mandate, missions must communicate effectively with local communities; and *encourages* the Secretary-General to improve their capacity to do so;

13. *Expresses its intention* to give due consideration to sexual violence in mandate authorizations and renewals and to request the Secretary-General to include, as appropriate, gender expertise in technical assessment missions;

14. *Encourages* the entities comprising United Nations Action Against Sexual Violence in Conflict, as well as other relevant parts of the United Nations system, to continue to support the work of the aforementioned Special Representative of the Secretary-General on Sexual Violence in Conflict and to enhance cooperation and information-sharing among all relevant stakeholders in order to reinforce coordination and avoid overlap at the headquarters and country levels and improve system-wide response;

15. *Encourages* Member States to deploy greater numbers of female military and police personnel to United Nations peacekeeping operations, and to provide all military and police personnel with adequate training on sexual and gender-based violence, inter alia, to carry out their responsibilities;

16. *Requests* the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance on sexual exploitation and abuse by United Nations peacekeeping and humanitarian personnel, and *further requests* the Secretary-General to continue to provide and deploy guidance on addressing sexual violence for predeployment and inductive training of military and police personnel, and to assist missions in developing situation-specific procedures to address sexual violence at the field level and to ensure that technical support is provided to troop and police contributing countries in order to include guidance for military and police personnel on addressing sexual violence in predeployment and induction training;

17. *Invites* the Special Representative on Sexual Violence in Conflict to continue to provide briefings on sexual violence, in accordance with resolution 1888 (2009);

18. *Requests* that the Secretary-General continue to submit annual reports to the Council on the implementation of Resolutions 1820 (2008) and 1888 (2009) and to submit his next report by December 2011 on the implementation of Resolutions 1820 (2008) and 1888 (2009) and the present resolution to include, inter alia:

(a) a detailed coordination and strategy plan on the timely and ethical collection of information;

(b) information on progress made in the implementation of the monitoring, analysis, and reporting arrangements mentioned in paragraph 8;

(c) detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and an annex with a list of parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda;

(d) updates on efforts by United Nations Mission focal points on sexual violence to work closely with Resident Coordinator/Humanitarian Coordinator (RC/HC), the United Nations Country Team, and, where appropriate, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict and/or the Team of Experts, to address sexual violence;

19. *Decides* to remain actively seized of the matter.



Security Council

Distr.: General
29 December 2010

Original: English

Letter dated 15 December 2010 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Please find attached a progress report on the work of the office of the Prosecutor General entrusted with addressing the crimes in Darfur, and the work of the different relevant investigation committees associated with the office of the Prosecutor (see annex).

I would highly appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

Annex to the letter dated 15 December 2010 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Report on the work of the Public Prosecutor on Crimes in Darfur and of the various investigative commissions

I. Investigations and inquiries

On 11 May 2002, the President of the Republic issued a decision establishing a fact-finding commission to investigate events in the three provinces of Darfur. The Commission, to be chaired by High Court judge Jar al-Nabi Qasam al-Sayyid, was given the task of conducting investigations and fact-finding visits to villages, interviewing the parties involved and assessing losses.

On 13 August 2004, the Minister of Justice issued a decision establishing three commissions of inquiry, which were granted powers of inquiry pursuant to the Code of Criminal Procedure of 1991, in order to investigate allegations of rape in camps for internally displaced persons. All members of that commission were women.

The commissions conducted field visits to the three provinces and to camps for internally displaced persons in order to gather information on the events. The commissions submitted reports after one month of travel in the field. They stressed that the statements collected during that time were ordinary and unremarkable, and that no mention had been made of rape or violent crimes against women.

During that time, the Fact-Finding Commission on the human rights violations allegedly perpetrated by armed groups in Darfur submitted its report. In accordance with its recommendations, the Minister of Justice established a Commission of Inquiry under the High Court judge Muhammad Abdul Rahim. Its members included judges, legal officials and police officers.

The Commission of Inquiry addressed numerous allegations, including the events in Shataya, involving 127 suspects, of whom 11 had been apprehended; the events of Buram, involving 12 suspects; allegations 1096, 1097, 1099 and 1100 of 2005, involving the suspect Khalil Ibrahim, and other allegations brought under items 21, 24, 25, 150, 51, 57, 60, 63, 64, 65, 130, 162, 175, 26 and 44 of the Weapons Act; and the events of Dulayq, involving 28 suspects.

On 11 June 2005, the Chief Justice issued decision 702 (2005) establishing special courts for the perpetrators of crimes against humanity under High Court judge Mahmud Muhammad Said Abkam. Attached hereto are some examples of cases on which the courts have ruled.

On 3 August 2009, the Minister of Justice issued a decision appointing a Special Prosecutor to investigate crimes committed in Darfur since March 2003. The Special Prosecutor would be assisted by a commission of senior legal officials and police officers, who would investigate the crimes and bring cases before the courts.

After considering all reports on the events in Darfur, including the report of the Fact-Finding Commission headed by the former Chief Justice Da'ullah al-Hajj

Yusuf, the Special Prosecutor continued the inquiry that had been opened by the Commission of Inquiry.

The public prosecutor heard numerous witnesses regarding the events in Dalayq, Mukjar, Bindisi, Garsila and neighbouring villages in West Darfur. A number of witnesses in the provinces of North and South Darfur were also summoned.

In order to assist those procedures and facilitate the judicial process, the Minister of Justice issued a decision on 16 September 2008 concerning the establishment in the three provinces of commissions of dignitaries, including prominent figures from the civilian administration and civil society organizations in Darfur.

II. Obstacles to the course of the inquiry

Before documents can be submitted to a court, evidence must first be collected. The evidence levelled against any suspect must be beyond reasonable doubt, something that is difficult, if not impossible, in view of the continuing internal armed conflict.

The province of Darfur has a surface area of some 510,000 square kilometres, and the roads are difficult. Armed movements and gangs of armed robbers impede citizens' mobility.

Large numbers of citizens affected by the events in the region have left their villages for remote and widely dispersed areas. As a result, it has become difficult to collect their statements, and all efforts may be in vain.

It is difficult to make an accurate assessment of casualties because of the frequent lack of cooperation from the parties.

The opposition has influence over the witnesses in many of the camps, particularly Kalma camp. By pressuring them to shun the investigative commissions, it has significantly prolonged the process.

The lack of a witness-protection system causes many witnesses to have reservations about appearing before the courts and investigative commissions.

On 17 October 2010, the Minister of Justice appointed Mr. Abdel Daiem Zumrawi to replace the previous Special Prosecutor in investigating crimes committed in Darfur since 2003. He is assisted by a large number of advisers and police and security officers.

The office of the new Special Prosecutor for crimes in Darfur met in order to put in place a work plan that stressed the need to investigate all cases as quickly as possible. With regard to the events that took place in the Tabra market on 2 September 2010, the commission decided to give priority to that investigation and proceed with it on all fronts.

After a thorough review of the case, the commission decided to visit the site of the incident with a view to questioning witnesses and evaluating the significance of their testimony.

The commission travelled from Khartoum to the city of El Fasher on 26 October 2010, arriving at 6.00 p.m.

The commission met the head of the state security committee for North Darfur and heard his explanation of the Tabra market incident, which matched the account given by the state governor.

On 27 October 2010, the commission took a 20-minute flight from the city of El Fasher to Tawila. The Special Prosecutor and his team met with the commanders of the armed forces and the police, and then travelled by car from Tawila to Tabra market, a distance of some 17 km.

A map of the incident site was drawn, and the Special Prosecutor and his team walked around the marketplace making general inquiries of the people there.

The commission then began the process of interviewing witnesses and recording their testimony, and interviewed 14 witnesses, including a number who had personally witnessed the incident.

The interviews lasted until 5.00 p.m., by which time the commission had questioned all the witnesses, who were escorted by local civilian authorities. Two lawyers representing family members accompanied the commission from El Fasher and were permitted to be present at interviews, because the commission believed that its work must appear to be fairer and more transparent.

The commission then left to return to the city of El Fasher.

On 28 October 2010, because it was a day on which people would gather in the Tawila market, the commission went back to Tawila: a number of witnesses had to be questioned, of which the commission was able to interview seven.

The commission returned to the city of El Fasher and continued its work by interviewing a number of witnesses, including the medical examiner and the head of the El Fasher Police Department. It then met with and interviewed a number of civilian leaders.

During the course of the investigations, witnesses provided the names of more than eight suspects. After collecting and analysing the evidence, the Public Prosecutor's office took steps to arrest those suspects.

III. Tribal reconciliations

Tribal reconciliations have been conducted in conjunction with legal measures and investigations, in the belief that reconciliation is the best way to restore stability and end ill-will and bitterness. Reconciliation conferences are conducted in a spirit of amnesty and respect for customary practice. That was the case with the reconciliation conference addressing the Hamada incident, which condemned the Bergid, Rizeigat and Tarjem tribes for their brutal attack on that village and mourned the victims.

In 2006, there was a peaceful coexistence conference between the Habbaniyah and Fallatah tribes. There was another conference between the same two tribes in 2010, at which the two parties agreed to reconciliation and amnesty and mourned the victims.

In 2006, a reconciliation conference took place that involved Tullus, Edd al-Fursan and Nyala.

In August 2006, at a reconciliation conference between the Habbaniyah and the Rizeigat tribes, the parties agreed to an amnesty and a truce. It was also agreed that civilian detainees would be released and persons not already detained would have charges against them dropped, albeit police reports would be retained.

On 9 September 2006, there was a peaceful coexistence conference between nomadic and settled tribes at Jarf.

In February 2006, there was a reconciliation conference between the Dinka and Um Kamlati tribes.

Other conferences in West Darfur and North Darfur resulted in payment of reparations, establishment of friendly relations and the restoration of stability.

**Security Council**

Distr.: General
17 December 2010

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, and other new legislation related to revenue transparency (the Liberia Extractive Industries Transparency Initiative Act) and resolution of land and tenure rights (Community Rights Law with respect to Forest Lands and Lands Commission Act),

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation and leadership at the regional and international levels in the Kimberley Process, and encouraging the Government of Liberia to redouble its commitment and efforts to ensure the effectiveness of the Kimberley Process Certification Scheme,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security throughout Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

Taking note of the final report of the United Nations Panel of Experts on Liberia pursuant to paragraph 9 (f) of resolution 1903 (2009), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and noting the Government of Liberia's cooperation with UNMIL in weapons marking, and concluding that insufficient progress has been made towards that end,



Underlining its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), welcoming the engagement of the Peacebuilding Commission, and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts,

Acknowledging the implementation of the guidelines of the Department of Peacekeeping Operations on cooperation and information sharing between the United Nations peacekeeping missions and the Security Council's Sanctions Committees' expert panels,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of this resolution;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, *notes with serious concern* the lack of progress with regards to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and *demand*s that the Government of Liberia make all necessary efforts to fulfil its obligations;

3. *Decides* to renew for a period of 12 months from the date of adoption of this resolution the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006), by paragraph 1 (b) of resolution 1731 (2006), and by paragraphs 3, 4, 5 and 6 of resolution 1903 (2009);

4. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the Government of Liberia and relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines;

5. *Decides* to review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

6. *Decides* to extend the mandate of the Panel of Experts appointed pursuant to paragraph 9 of resolution 1903 (2009) for a further period until 16 December 2011 to undertake the following tasks:

(a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report on the implementation, and any violations, of the measures on arms as amended by resolution 1903 (2009), including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To identify and make recommendations regarding areas where the capacity of Liberia and the States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(d) Within the context of Liberia's evolving legal framework, assess the extent to which forests and other natural resources are contributing to peace, security and development rather than to instability and to what extent relevant legislation (National Forestry Reform Law, Lands Commission Act, Community Rights Law with respect to Forest Land, and Liberia Extractive Industries Transparency Initiative Act) and other reform efforts are contributing to this transition, and to provide recommendations, if appropriate, on how such natural resources could better contribute to the country's progress towards sustainable peace and stability;

(e) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(f) To provide a midterm report to the Council through the Committee by 1 June 2011 and a final report to the Council through the Committee by 1 December 2011 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the forest sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(g) To cooperate actively with other relevant panels of experts, in particular that on Côte d'Ivoire re-established by paragraph 9 of resolution 1946 (2010) and that on the Democratic Republic of the Congo re-established by paragraph 5 of resolution 1952 (2010) with respect to natural resources;

(h) To cooperate actively with the Kimberley Process Certification Scheme;

(i) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists.

7. *Requests* the Secretary-General to reappoint the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

8. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

9. *Recalls* that responsibility for controlling the circulation of small arms within the territory of Liberia and between Liberia and neighbouring States rests with the relevant governmental authorities in accordance with the Economic Community Of West African States Convention on Small Arms and Light Weapons of 2006;

10. *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee, and the Panel of Experts, within its

capabilities and areas of deployment, and without prejudice to its mandate, continue to carry out its tasks set forth in previous resolutions, including resolution 1683 (2006);

11. *Urges* the Government of Liberia to implement the recommendations of the 2009 Kimberley Process review team to strengthen internal controls over diamond mining and exports;

12. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;

13. *Decides* to remain actively seized of the matter.